

SIXTEENTH DAY

Thursday, February 11, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:09 o'clock p.m., with Vice Speaker Magaoay presiding.

The invocation was delivered by Father Manuel Dela Cruz, MS of St. Anthony's Church, after which the Roll was called showing all Members present with the exception of Representative Souki, who was excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Eighth and Ninth Days were approved. (Representative Souki was excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 173) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 173, dated February 4, 2010, transmitting the Report to the Twenty-Fifth legislature, State of Hawaii, 2010, pursuant to Section 321-63, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report on Dental Health Activities, Expenditures, and Recommendations.

The following message from the Governor (Gov. Msg. No. 174) was received and announced by the Clerk:

Gov. Msg. No. 174, dated February 4, 2010, requesting immediate consideration and passage of H.B. No. 2523, making an emergency appropriation of \$900,000 out of the Aloha Tower Fund for fiscal year 2009-2010 to in effect increase that fund's spending ceiling to allow the Aloha Tower Development Corporation to pay for the settlement of a claim with Kenneth H. Hughes, Inc.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 14 through 21) were received and announced by the Clerk:

Sen. Com. No. 14, informing the House that the Senate has on February 9, 2010, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 1311, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."

Sen. Com. No. 15, transmitting S.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO LIFE SETTLEMENTS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 16, transmitting S.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 17, transmitting S.B. No. 2018, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 18, transmitting S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 19, transmitting S.B. No. 2602, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 20, transmitting S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on February 10, 2010.

Sen. Com. No. 21, transmitting S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on February 10, 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:

S.B. No. 2016
S.B. No. 2017
S.B. No. 2018
S.B. No. 2432
S.B. No. 2602
S.B. No. 2754
S.B. No. 2759

INTRODUCTIONS

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

Representative Sagum introduced his cousin, Mr. Scott 'Scooter' Sagum; daughter, Ms. Nicole Sagum, and her friend, Ms. Brooks.

Representative Wooley introduced 5th grade students of Hau'ula Elementary School and their teacher, Ms. Kit Andus.

Representative C. Lee introduced former House staff member, Ms. Kim Fassler who was visiting from China.

Representative Ward introduced his constituent, Mr. Rich Smylie.

Representative Luke introduced the 3rd and 5th grade students of Soto Academy and their teachers, Ms. Rose Ann Nakamoto, and Ms. Debra Brackett.

Representative Luke further recognized Soto Academy students, Mason Nakamura, a baseball friend; and Brandon Nakamura.

At 12:18 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 12:39 o'clock p.m.

ORDER OF THE DAY

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 Chang, Chong, Mizuno, Rhoads, Souki and Wakai were excused.)

UNFINISHED BUSINESS

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.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1190, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. In strong support. I'd just like to thank the introducer of this bill for bringing this back again because this is an issue that has literally paralyzed my community, and paralyzed the second most popular visitor destination in the State of Hawaii, causing very serious economic damage. So I thank you again, and this is a good bill. Mahalo."

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

"In support, Mr. Speaker. I want to thank the Chair of Transportation for supporting this measure, as well as all of you. 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. 1190, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," passed Third Reading by a vote of 51 ayes.

At 12:41 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1190, HD 1

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 269-10) recommending that H.B. No. 2237, 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. 2237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE FUELS," 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. 270-10) recommending that H.B. No. 2922, 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. 2922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," 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. 271-10) recommending that H.B. No. 2215, 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. 2215, 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 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. 2215, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS," 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. 272-10) recommending that H.B. No. 2301,

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. 2301, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," passed Second Reading and was referred to the Committee on Finance.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 273-10) recommending that H.B. No. 2561, 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. 2561, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was referred to the Committee on Finance.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 274-10) recommending that H.B. No. 1973, 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. 1973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESECRATION," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Carroll and Ito, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 275-10) recommending that H.B. No. 1961, 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. 1961, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am in strong support."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 1961—Relating to the Kaho'olawe Rehabilitation Fund. As founder of the Heritage Caucus whose mission is to preserve the unique locations of Hawaii, and as a past President of Life of Land, I recall supporting the rehabilitation of Kaho'olawe and strategies to implement a successful plan for rehabilitation. However, while I see the good intention of the bill, I still have some concerns.

"The Ocean Tourism Coalition (OTC) states in their testimony that businesses are "fighting for their very survival in this difficult economic climate. Tourists already are not spending as much to take tours like the ones we offer. Our passenger counts are down significantly in spite of heavy discounting in the marketplace." I think the OTC brings up some real concerns, but I feel that this bill is the wrong vehicle at the wrong time. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHO'OLAWA REHABILITATION TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Ching voting no.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 276-10) recommending that H.B. No. 2844, 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. 2844, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FILM INDUSTRY," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 277-10) recommending that H.B. No. 2708, 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. 2708, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 278-10) recommending that H.B. No. 2601, 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. 2601, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," 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. 279-10) recommending that H.B. No. 2606, 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. 2606, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 280-10) recommending that H.B. No. 1205, 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. 1205, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TAX INCREMENT BONDS," 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. 281-10) recommending that H.B. No. 2661, 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. 2661, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2661, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," 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. 282-10) recommending that H.B. No. 1813, 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. 1813, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'm sorry, Mr. Speaker. I just wanted to have a possible conflict resolved if possible. I'm not sure if I need to declare this, but for Hawaii Medical Center, Stand. Com. Report 282, my husband was employed by Hawaii Medical Center and our family did invest," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1813, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII MEDICAL CENTER," 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. 283-10) recommending that H.B. No. 2917, 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. 2917, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2917, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NUISANCES," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 284-10) recommending that H.B. No. 2085, 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. 2085, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 285-10) recommending that H.B. No. 2090, 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. 2090, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENTS," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 286-10) recommending that H.B. No. 2087, 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 Committees was adopted and H.B. No. 2087, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 287-10) recommending that H.B. No. 2267, 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. 2267, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"On Stand. Com. No. 287, may I have a ruling on a potential conflict? At my law firm, I represent a couple of Charter Schools," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2267, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 288-10) recommending that H.B. No. 2740, 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. 2740, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 289-10) recommending that H.B. No. 2306, 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. 2306, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," 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. 290-10) recommending that H.B. No. 2897, 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. 2897, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 291-10) recommending that H.B. No. 2929, 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. 2929, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 292-10) recommending that H.B. No. 2029, 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. 2029, HD 1, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2029, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 293-10) recommending that H.B. No. 2818, 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. 2818, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," 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. 294-10) recommending that H.B. No. 2434, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2434, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker. On Stand. Com. No. 294-10. I'd just like to note my reservations and would hope that as this moves forward to the Water, Land, & Ocean Resources Committee, that we have testimony from the various counties who will be affected by this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2434, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 295-10) recommending that H.B. No. 2283, 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. 2283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," 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. 296-10) recommending that H.B.

No. 745, HD 1, as amended in HD 2, 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. 745, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Shimabukuro 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 Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak with reservations concerning House Bill 745 HD2 – which eliminates the requirement to send a ten-day pending notice requesting additional medical evidence when it is determined by DHS eligibility workers that an applicant does not have certain disabilities that would qualify him or her for General Assistance.

"During the Human Services Committee hearing, the DHS Director spoke in favor of the bill, citing the need for increasing efficiency and timeliness in the process. Citing a ten-percent increase in volume of GA applications, the Director tried to make a case for cutting out a critical step in the process which currently enables an applicant to supply additional medical evidence to back up their claim.

"I do sympathize with the Department's need to keep up with an increasing workload during this time of budget cutbacks and restrictions, not only in DHS but in all departments. However, I cannot support legislation which I believe will unfairly impact people with disabilities. This bill will remove current protections and take away an applicant's right to a second medical opinion when they have been denied certification by a physician hired by DHS. Under the existing process, an applicant is asked to complete a form which does not allow for the inclusion of any medical evidence. The disability determination is then made after a cursory examination by the DHS doctor.

"I believe that the availability of a second opinion is a basic human and legal right. This bill takes away that right. Since the bill in its HD2 version now contains an appropriation to provide general assistance to households without minor dependents, I am hesitant to vote no. However, I do ask that my strong reservations to HB 745 HD2 be noted."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 745, HD 2, 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. 297-10) recommending that H.B. No. 2355, 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. 2355, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE," 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. 298-10) recommending that H.B. No. 2154, 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. 2154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE 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. 299-10) recommending that H.B. No. 2160, 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. 2160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," 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. 300-10) recommending that H.B. No. 2260, 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. 2260, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUEST HEALTH CARE PAYMENTS," 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. 301-10) recommending that H.B. No. 2467, 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. 2467, HD 1, pass Second Reading and be referred to the Committee on Finance, 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 Committees was adopted and H.B. No. 2467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Nishimoto voting no.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 302-10) recommending that H.B. No. 2978, 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. 2978, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," 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. 303-10) recommending that H.B. No. 2643, 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. 2643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS," 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. 304-10) recommending that H.B. No. 2637, 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.

2637, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 305-10) recommending that H.B. No. 1905, 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. 1905, 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 with reservations, stating:

"Mr. Speaker, I rise with serious reservations on Stand. Com. No. 305, HB 1905 that would create two new separate accounts in our general fund. Mr. Speaker, we've already got 40% of our budget squirreled away in special funds. This bill is going to squirrel away \$338 million more by separate accounts in the general fund. This is a bill that is not necessary at this time. I repeat, not necessary. We've got \$275 million that we have by a tax refund lag. We have no need to put back in at this point just the same way that Cayetano's payroll lag is never showing up on our books and as you know, there is, someone said this morning, \$1.2 to \$1.8 billion possibly being as a deficit.

"So to do this and then put the funds into the ERS at this time, which is also not necessary, I think as we make fun of pushing the can down the road as being insufficient, I think it's the way that small businesses survive at a burden of \$338 million onto the budget that's already in the red doesn't make good fiscal sense, Mr. Speaker. So I have very serious reservations on why we're doing this and I hope the Chair of Finance seriously looks at this as he looks at this cash flow statement. 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. 1905, entitled: "A BILL FOR AN ACT RELATING TO STATE PAYMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 306-10) recommending that H.B. No. 2533, 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. 2533, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 307-10) recommending that H.B. No. 2538, 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. 2538, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 308-10) recommending that H.B. No. 2711, 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. 2711, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 309-10) recommending that H.B. No. 2460, 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. 2460, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 310-10) recommending that H.B. No. 2493, 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. 2493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 311-10) recommending that H.B. No. 2823, 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. 2823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAGES, HOURS, AND WORKING CONDITIONS OF EMPLOYEES OF CONTRACTORS PERFORMING SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 312-10) recommending that H.B. No. 2855, 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. 2855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance.

THIRD READING

H.B. No. 2618, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 51 ayes.

H.B. No. 1862, HD 1:

Representative B. Oshiro moved that H.B. No. 1862, HD 1, pass Third Reading, seconded by Representative Evans.

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

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

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

"Yes, with reservations and a short statement that I believe that the county is negligent in providing the kind of facilities that are needed in that respective area. For that reason, I am with reservations."

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

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Souki be entered into the Journal as her own, 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 Brower rose to speak in support of the measure, stating:

"Mr. Speaker, in support. And briefly, many urban areas should have a *shishi* bill like this. This should be expanded."

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

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

"In strong support, Mr. Speaker. And I would also like this extended, especially in my district of Waipahu."

Representative Wooley 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 H.B. No. 1862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

H.B. No. 2397, HD 1:

Representative B. Oshiro moved that H.B. No. 2397, HD 1, pass Third Reading, seconded by Representative Evans.

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, moving the primary election date forward will encourage better participation in our democracy. It will give new candidates a better chance to get their message out in the short time between the primary election and the general election, and level the playing field that currently gives incumbents a much greater advantage."

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

Representative Finnegan's written remarks are as follows:

"I rise in support of this measure. HB 2397 moves the date of the primary election to the second Saturday of August and requires nomination papers to be filed not later than 4:30 p.m. on the first Tuesday in June. Our troops have served our country honorably by defending democracy around the world. This measure ensures that our veterans and their opinions are represented in our democracy, here at home."

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 ensure compliance with the Federal National Defense Authorization Act that requires states to mail absentee ballots to uniformed and overseas voters no later than 45 days prior to federal elections.

"This bill will move Hawaii's Primary Election date to the second Saturday in August and move the deadline for filing nomination papers to

the first Tuesday in June. Deployed military personnel still want to be a part of the democratic process, expanding these deadlines is an important way of giving them an opportunity to do so.

"This bill addresses many concerns that the Office of Elections had raised about timing. This will allot more time for our troops to fill out and submit their absentee ballots. If a person is deployed we should not disregard the fact that they are a citizen of the United States and therefore still have the right to vote in any given election.

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

The motion was put to vote by the Chair and carried, and H.B. No. 2397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 1863, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2077, HD 1:

Representative B. Oshiro moved that H.B. No. 2077, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Finnegan's written remarks are as follows:

"Upon further review of HB 2077, I have no issues with this measure. My no vote was a mistake."

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

The motion was put to vote by the Chair and carried, and H.B. No. 2077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

At 12:54 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2618, HD 1
H.B. No. 1862, HD 1
H.B. No. 2397, HD 1
H.B. No. 1863, HD 1
H.B. No. 2077, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 39) and concurrent resolution (H.C.R. No. 83) were referred to Printing and further action was deferred:

H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO APPROVE THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE RIAU ISLANDS PROVINCE OF INDONESIA," was jointly offered by Representatives Ward, Aquino, Brower, Ching, Finnegan, Hanohano, Karamatsu, Manahan, Marumoto, Pine, Awana, Berg, Bertram, Cabanilla, Carroll, Har, Shimabukuro and Takumi.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO APPROVE THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE RIAU ISLANDS PROVINCE OF INDONESIA," was jointly offered by Representatives Ward, Aquino, Brower, Ching, Finnegan, Hanohano, Karamatsu, Manahan, Marumoto, Pine, Awana, Berg, Bertram, Cabanilla, Carroll, Har, Shimabukuro and Takumi.

ANNOUNCEMENTS

Representative Chang: "I would like to inform our Members that we have a birthday boy in the House and he happens to be sitting right next to me, from Kauai. Representative Roland Sagum."

Vice Speaker Magaoay: "Representative Sagum, do you have anything to say besides noticing that you're getting older?"

Representative Sagum: "I'll be accepting presents after this session. And I'm 35."

Representative Cabanilla: "Mr. Speaker, I just would like my colleagues here on the Floor to notice this *cheongsam* that I'm wearing today. Yes, it's beautiful. Thank you. And I'm wearing this today in honor of Chinese New Year and to wish all my Chinese friends and constituents a *Kung Hee Fat Choy*."

ADJOURNMENT

At 12:55 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, Friday, February 12, 2010.