

EIGHTEENTH DAY

Tuesday, February 16, 2010

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

The invocation was delivered by Deacon Santi Gorospe of the Holy Trinity Church, after which the Roll was called showing all Members present with the exception of Representatives Belatti, Carroll, Choy and Evans, who were excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 29) was received and announced by the Clerk:

Sen. Com. No. 29, transmitting S.B. No. 2076, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," which passed Third Reading in the Senate on February 12, 2010.

On motion by Representative Magaoay, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred: (Representatives Belatti, Carroll, Choy and Evans were excused.)

S.B. No. 2076

INTRODUCTIONS

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

Representative McKelvey introduced Mrs. Virginia Gorospe, wife of Deacon Santi Gorospe who gave today's invocation.

Representative McKelvey also introduced staff members of the Maui Economic Opportunity, Inc.

Representative Pine introduced Mr. Harold Alejandro, US Air Force veteran; Mr. Nestor Batac, US Army veteran; Mr. Noni Panen, former president of BICOL Club of Hawaii; Mr. Ron Schaedel, US Marine Corps veteran; Mr. Glenn Kodani, US Air Force veteran; and Mr. Ron Sumida, who were in support of H.B. No. 2311, the American Flagpole bill.

Representative Takumi, on behalf of Representative Takai and himself, introduced 5th graders from Pearl City Elementary School, who were accompanied by teachers: Ms. Sherri Takamoto, Ms. Karen Nonakawa, and Ms. Fran Tabisola; Special Education teacher Mr. James Passi; and part-time teacher Ms. Charlyn Tahara.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 42) was announced by the Clerk and the following action taken:

H.R. No. 42, entitled: "HOUSE RESOLUTION CONGRATULATING AND COMMENDING THE STORYBOOK THEATRE OF HAWAII UPON THE OPENING OF THE SPARK M. MATSUNAGA INTERNATIONAL CHILDREN'S GARDEN FOR PEACE," was offered by Representative Sagum.

Representative Sagum moved that H.R. No. 42 be adopted, seconded by Representative Morita.

Representative Sagum congratulated the Storybook Theatre of Hawaii upon the opening of The Spark M. Matsunaga International Children's Garden for Peace, and introduced the honorees seated on the Floor of the House:

Mr. Mark Jeffers, Executive Director and Founder of the Storybook Theatre of Hawaii;

Mr. Matt Matsunaga, son of the late Senator Spark M. Matsunaga;

Mr. David Hamil, Storybook Development Director;

Mr. Kim Duffet, The Children's Peace Garden Designer and Sparky Statue Sculptor; and

Dr. Robert Zelovsky, Storybook camera man, who was seated in the Gallery.

Representative Morita welcomed and thanked the Storybook Theatre of Hawaii for continuing the legacy of Spark M. Matsunaga and his vision of peace, and providing an opportunity for children to learn the performing and media arts.

Representative Tokioka also thanked and commended the Storybook Theatre and Mr. Kim Duffet on the creation of the Sparky Statue.

Representative Ward further congratulated the Storybook Theatre on the opening of the Garden of Peace, and thanked them for keeping the memory of Spark M. Matsunaga alive.

Representative Karamatsu commended the Storybook Theatre and thanked them for promoting the legacy of Spark M. Matsunaga and his vision of Peace.

Representative Berg thanked the Storybook Theatre for their contributions to the community, working with the *kupuna* and preserving our stories and culture.

The motion was put to vote by the Chair and carried, and H.R. No. 42 was adopted, with Representatives Belatti, Carroll, Choy and Evans being excused.

The following resolution (H.R. No. 43) was announced by the Clerk and the following action taken:

H.R. No. 43, entitled: "HOUSE RESOLUTION RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC., ON ITS 45TH ANNIVERSARY," was jointly offered by Representatives Souki, Bertram, Carroll, Keith-Agaran, McKelvey and Yamashita.

Representative Souki moved that H.R. No. 43 be adopted, seconded by Representative Yamashita.

Representative Souki congratulated the Maui Economic Opportunity, Inc., on its 45th anniversary, thanked them for their many community and anti-poverty programs, and introduced the honorees seated on the Floor of the House:

Mr. Sandy Baz, Chief Executive Officer, Maui Economic Opportunity, Inc.;

Ms. Lyn McNeff, Chief Programs Officer, Maui Economic Opportunity, Inc.;

Mr. Grant Chun, Board President, Maui Economic Opportunity, Inc.; and

Mrs. May Fujiwara, President, Lahaina-Honolua Seniors.

Representative McKelvey further recognized Maui Economic Opportunity for their support in the community, especially transportation services and the 'pink bus' for the seniors.

Representative Bertram thanked the Maui Economic Opportunity for their self-help programs and acknowledged their role in developing community leaders.

The motion was put to vote by the Chair and carried, and H.R. No. 43 was adopted, with Representatives Belatti, Carroll, Choy, Evans and Pine being excused.

At 12:38 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 408-10) recommending that H.B. No. 2136, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2136, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Magaoay.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 409-10) recommending that H.B. No. 2286, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2286, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Magaoay.

SUSPENSION OF RULES

On motion by Representative Magaoay, 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 Belatti, Bertram, Carroll, Choy and Evans were excused.)

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 410-10) recommending that H.B. No. 2197, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2197, HD 1, pass Third Reading, seconded by Representative Magaoay.

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

"I would like to have a ruling on a possible conflict of interest. I serve on a condominium board," 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. 2197, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 411-10) recommending that H.B. No. 2351, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2351, pass Third Reading, seconded by Representative Magaoay.

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

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. With active members of our armed forces and veterans as constituents of District 37, I rise in strong support of this measure. House Bill 2351 corrects an oversight so that individuals who receive a less than honorable discharge or a general discharge under honorable conditions are not able to receive veterans' license plates.

"A veteran's license plate is a government approved public declaration of service that is innately associated with honor. Allowing someone who committed detainable acts, such as murder, sabotage, or espionage, which resulted in a dishonorable discharge to obtain a veteran's license plate is a pretense of valor. H.B. 2351 would correct this oversight that enables undeserving people to apply for a license plate and preserve the integrity of the special license plates.

"The Office of Veterans Services and the Oahu Veterans Council have both testified in support on this bill."

Representative McKelvey rose in support of the measure, stating:

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

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 preserve the integrity of the special license plates available to veterans of military service.

"Veteran license plates identify individuals who have provided military service to this country and are a small symbol of the gratitude of the general public for their honorable service. Individuals with a less than honorable discharge should not be afforded this recognition, a recognition they can receive under current statutes.

"This measure addresses this issue by requiring veterans to provide proof of their honorable discharge to obtain a veteran license plate. It is only right that a veteran should submit his application for a special license plate with proof of being honorably discharged from the United States Military. An individual with less than honorable discharge has no right to the benefits afforded those who serve honorably.

"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 the report of the Committee was adopted and H.B. No. 2351, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

At 12:49 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2197, HD 1
H.B. No. 2351

At 12:49 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

At this time, the Chair stated:

"Members of the House, may we go back to Reports of Standing Committees. The motion was made by Representative Blake Oshiro and second by Representative Magaoay for those measures reported out of the Consumer Protection & Commerce Committee, Stand. Com. Rep. Nos. 408 and 409.

"The Chief Clerk says that we did not take a vote on the motion. Is there any discussion on the motion made by Representative Blake Oshiro, seconded by Representative Magaoay, in regards to those two measures? If there is no discussion, then it's a voice vote."

Stand. Com. No. 408-10 and H.B. No. 2136:

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2136, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

Stand. Com. No. 409-10 and H.B. No. 2286:

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

At this time, the Chair stated:

"We have voted on consent calendar motion, Madam Clerk. Or do we need to do it once more?"

At 12:51 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

At this time, the Chair stated:

"Members, just to clarify everything. The consent calendar motion to suspend the rules has already been completed. And the adoption of Stand. Com. Rep. Nos. 410 and 411 has been completed so those two measures have passed Third Reading. We are now on Stand. Com. Nos. 412 and 413, 48-hour notice."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 412-10) recommending that H.B. No. 1901, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 412-10 on H.B. No. 1901, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1901, HD 2, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 413-10) recommending that H.B. No. 2169, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 413-10 on H.B. No. 2169, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2169, HD 2, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 414-10) recommending that H.B. No. 2594, as amended in HD 1, be recommitted to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, the report of the Committee was adopted and H.B. No. 2594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Finance, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

THIRD READING

H.B. No. 2427, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, H.B. No. 2427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Bertram, Carroll, Choy and Evans being excused.

At 12:53 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2427, HD 1

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, the rules were suspended for the purpose of considering a certain House Bill for Final Reading by consent calendar. (Representatives Belatti, Bertram, Carroll, Choy and Evans were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Magaoay:

H.B. No. 2162, HD 1, (SD 1)

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House Bill. (Representatives Belatti, Carroll, Choy and Evans were excused.)

H.B. No. 2162, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Magaoay and carried, H.B. No. 2162, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Final Reading by a vote of 47 ayes, with Representatives Belatti, Carroll, Choy and Evans being excused.

At 12:55 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 2162, HD 1, SD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 41) and concurrent resolutions (H.C.R. Nos. 90 through 92) were referred to Printing and further action was deferred:

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was jointly offered by Representatives Evans, Awana, Magaoay, Mizuno, B. Oshiro, Tsuji, Brower, Carroll, Chong, Choy, Keith-Agaran, M. Lee, Luke, M. Oshiro, Rhoads and Souki.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055: SEAWARD OF TAX MAP KEY: (2) 4-5-001:006," was offered by Representative McKelvey.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST THE KOLOA COMMUNITY'S HAPA TRAIL VOLUNTEERS' PROJECT TO RESTORE AND MAINTAIN HAPA TRAIL," was offered by Representative Sagum, by request.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was jointly offered by Representatives Evans, Awana, Carroll, Magaoay, Mizuno, B. Oshiro, Tsuji, Brower, Chong, Choy, Keith-Agaran, M. Lee, Luke, M. Oshiro, Rhoads and Souki.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, on behalf of myself and Representative Mizuno, co-sponsors of today's fellowship luncheon, there'll be a free lunch in Room 312. There will also be a short video clip on a man who has no arms and no legs, but yet has a full inspiring life. That's in Room 312 as soon as we adjourn. Thank you."

ADJOURNMENT

At 12:57 o'clock p.m. on motion by Representative Magaoay, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 17, 2010. (Representatives Belatti, Carroll, Choy and Evans were excused.)

HOUSE COMMUNICATIONS

House Communication dated February 16, 2010, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bill on Final Reading:

H.B. No. 2162, HD 1, SD 1