

NINETEENTH DAY

Wednesday, February 17, 2010

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Hermina M. Morita, after which the Roll was called showing all Members present with the exception of Representative M. Oshiro, who was excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 30) was received and announced by the Clerk:

Sen. Com. No. 30, transmitting S.B. No. 2246, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on February 16, 2010.

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

S.B. No. 2246, SD 1

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>
41	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
90	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
91	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
92	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce

<u>S.B.</u> <u>No.</u>	<u>Referred to:</u>
2076	Committee on Human Services, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 415-10), recommending that H.R. No. 10, 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.R. No. 10, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was referred to the Committee on Finance, with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 416-10), recommending that H.C.R. No. 19, 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.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A DATABASE RESOURCE WEBSITE TO HOUSE REAL-TIME AVAILABILITY OF ALL JUVENILE SERVICES FROM THE LOWEST LEVEL OF CARE TO THE HIGHEST LEVEL OF CARE FOR THE APPROPRIATE PLACEMENT OF JUVENILES IN HAWAII," was referred to the Committee on Finance, with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 417-10), recommending that H.R. No. 11, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 418-10), recommending that H.C.R. No. 49, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 11, and H.C.R. No. 49, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in opposition to both measures, stating:

"Mr. Speaker, thank you. On Stand. Com. Report 417, I stand in opposition. Mr. Speaker, in the first place I think this is a measure that's not necessary because the Department of Human Services has more than they can handle. But I find it to really have a misogynistic feeling to me. Although we know that violence against men occurs and that women sometimes perpetrate violence against men, the great majority of domestic violence cases are those where men have been the perpetrator.

"Surely we should be against violence in any way, whether it's perpetrated by men or women, but I find this an unnecessary measure and I find it really offensive in terms of being directed towards women in an unpleasant way.

"So I am in opposition and I'd like to point out that during the Committee hearings, only one woman was present and she voted with reservations. The other women were absent. Thank you."

Representative McKelvey rose in opposition to both measures and asked that the remarks of Representative M. Lee be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Belatti rose in opposition to both measures and asked that the remarks of Representative M. Lee be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"In support, Mr. Speaker. In complete respect to the previous speakers, according to the Honolulu Police Department, one-third to one-half of their time is spent on domestic cases. Domestic abuse cases. These cases relate to not only men assaulting women, but also women assaulting men. They even have cases against infants. In fact, shaken baby syndrome is a form of domestic violence.

"As you look into domestic violence and the complexity of it and you start to peel back the layers, you see that it is far reaching and broad. Not only does it affect women, it affects all of us. I appreciate the author of these measures, both Stand. Com. Report 417 and Stand. Com. Report 418, for bringing to light a concern that we have. Domestic violence in any form, towards anyone, male or female, children or *kupuna*, is wrong. Therefore I support these measures. Thank you, Mr. Speaker."

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

"Mr. Speaker, as Chair of our Caucus' Gender Equity Committee, I back the Chair of Human Services."

Representative Morita rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, in opposition to both measures, Stand. Com. Rep. Nos. 417 and 418. I believe the resources should be put to prevention of domestic violence rather than investigation. And I would like to adopt the words of the speaker from Mililani as my own," and the Chair "so ordered." (By reference only.)

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

"In support of both measures, Mr. Speaker. As our nation moves toward our claim of gender equality and equality towards women, we should not negate the claims of men to be untrue. We should give them equality, just as women want equality from them. For the sake of gender equality, I think that we should give credence to these Resolutions. I would like for men to think that we're not just biased towards ourselves. So let's vote for gender equality. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was referred to the Committee on Judiciary, with Representatives Belatti, M. Lee, McKelvey and Morita voting no, and with Representative M. Oshiro being excused; and

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO INVESTIGATE THE INCIDENCE OF DOMESTIC ABUSE PERPETRATED BY WOMEN AGAINST MEN IN HAWAII," was referred to the Committee on Judiciary, with Representatives Belatti, M. Lee, McKelvey and Morita voting no, and with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 419-10), recommending that H.R. No. 21, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 21, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the

Committee on Legislative Management, with Representative M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 420-10), recommending that H.C.R. No. 61, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Legislative Management, with Representative M. Oshiro being excused.

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 421-10), recommending that H.C.R. No. 8, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 8, 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 reservations on Stand. Com. Rep. No. 421 for three reasons. This picture takes away the portraits of our history. Regardless of whatever we think about our history, I think the language they use, particularly in the first paragraph about illegal, immoral, unjust; that's pretty strong 'in your face' language. I don't know if the message of this is to take it and use it like the language of the Apology Resolution, which in 1993 the Supreme Court basically took it and applied it to ceded lands. So some of the language in here looks like it may be leverage-able and probably a bit of an overstatement.

"And lastly you could argue the opposite; that maybe our history needs to be reminded of what took place, and for those Hawaiians who want to see it and have that fire in their belly rekindled. It could have the opposite effect. So removing this I think, has some real questionable value. Thank you, Mr. Speaker."

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 House Concurrent Resolution Number 8, which urges that portraits of officials of the Provisional Government of Hawaii be removed from display in positions of honor in State government buildings.

"By divesting recognition and respect from certain key figures of Hawaii's history, this Resolution asks the people of Hawaii to both rewrite and ignore history. We cannot deny that the Provisional Government of 1893 and 1894 played a pivotal role in Hawaii's progress toward Statehood, regardless of whether our own distant ancestors instigated annexation, or even supported it at all. As I am a fifth-generation Chinese *kama'aima*, my own ancestors were not recognized as citizens of Hawaii between 1893 and 1894. If we remove all visible traces of the Provisional Government from government surroundings, we are forcing a blatant abyss in our State's developmental identity. No retrospective glance can be perfectly impartial, so by denying the portraits "honor," we are deliberately thrusting them into shadows of dishonor.

"If we remove all visible traces of the Provisional Government from government surroundings, we are forcing a blatant abyss in our State's developmental identity. Almost worse, if we specify that Provisional Government portraits are not to be placed in "positions of honor," we will spit in the face of the United States of America. No retrospective glance can be perfectly impartial, so by denying the portraits "honor," we are deliberately thrusting them into shadows of dishonor. Urging us to ignore and denounce Hawaii's progress toward joining the Union – and thus

enjoying the protection, education, order, and funding we may now take for granted – H.C.R. No. 8 forces the people of Hawaii to adopt a sentiment of treason.

"Although all testimonies are bound towards some bias, it is inexcusable that H.C.R. No. 8 – when we have easy access to a variety of viewpoints – selects only those representing one position. Relying wholly upon Cleveland and the Blount Report for authority, refusing even to examine their source biases, H.C.R. No. 8 threatens to force a false and unilateral view of history upon the public. Let us defeat this offensive Resolution. In doing so, we shall remain informed students of Hawaii's history, and loyal citizens of the United States of America. Thank you."

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

"Thank you, Mr. Speaker. I just wanted to comment in support. This Resolution was part of the Office of Hawaiian Affairs package and there was only support for this Resolution. I just want to make that comment in the Journal."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT PORTRAITS OF OFFICIALS OF THE PROVISIONAL GOVERNMENT OF HAWAII BE REMOVED FROM DISPLAY IN POSITIONS OF HONOR IN STATE GOVERNMENT BUILDINGS," was referred to the Committee on Finance, with Representative Ching voting no, and with Representative M. Oshiro being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 422-10) recommending that H.B. No. 2546, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2546, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro 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. (Representative M. Oshiro was excused.)

### THIRD READING

#### H.B. No. 2136:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2136, entitled: "A BILL FOR AN ACT RELATING TO DISTRIBUTIONS BY NONPROFIT CORPORATIONS," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

#### H.B. No. 2286:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Third

Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

At 12:19 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2136  
H.B. No. 2286

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 44 and 45) and concurrent resolutions (H.C.R. Nos. 93 and 94) were referred to Printing and further action was deferred:

H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY RECENT INTERIM AMENDMENTS TO HAWAII ADMINISTRATIVE RULES RELATING TO CONSTRUCTION CONTRACTS UNDER THE HAWAII PUBLIC PROCUREMENT CODE TO DETERMINE WHETHER THOSE AMENDMENTS ARE CONTRARY TO THE LETTER OR SPIRIT OF THE PROCUREMENT CODE," was offered by Representative Takai.

H.R. No. 45, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE CONTRACTING LICENSING LAWS OF OTHER STATES TO CLARIFY WHAT CONSTITUTES "INCIDENTAL AND SUPPLEMENTAL" WORK IN THE CONTEXT OF CONTRACTOR LICENSING," was offered by Representative Takai.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY RECENT INTERIM AMENDMENTS TO HAWAII ADMINISTRATIVE RULES RELATING TO CONSTRUCTION CONTRACTS UNDER THE HAWAII PUBLIC PROCUREMENT CODE TO DETERMINE WHETHER THOSE AMENDMENTS ARE CONTRARY TO THE LETTER OR SPIRIT OF THE PROCUREMENT CODE," was offered by Representative Takai.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE CONTRACTING LICENSING LAWS OF OTHER STATES TO CLARIFY WHAT CONSTITUTES "INCIDENTAL AND SUPPLEMENTAL" WORK IN THE CONTEXT OF CONTRACTOR LICENSING," was offered by Representative Takai.

### ANNOUNCEMENTS

Speaker Say: "At this time the Chair would like all of us to rise for a moment of silence for one of our former colleagues who passed away, former Representative Mits Shito. Some of you may recall Mits Shito. Would you all please stand for a moment of silence?"

At this time, the Members of the House of Representatives stood for a moment of silence in honor of former Representative, the late Mitsuo "Mits" Shito.

### ADJOURNMENT

At 12:20 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 18, 2010. (Representative M. Oshiro was excused.)