

TWENTIETH DAY

Thursday, February 18, 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 the Speaker presiding.

The invocation was delivered in song by fourth and fifth grade students of Halau Lokahi, after which the Roll was called showing all Members present with the exception of Representatives Berg and Souki, who were excused.

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

INTRODUCTIONS

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

Representative Pine introduced her husband, LT Brian Ryglowski, US Navy.

Representative Pine also introduced many veterans, friends and family of veterans, and those currently serving our country:

Kimo Kaleikini, US Navy Veteran;
 Dewaynette Kellogg, US Air Force Veteran;
 Mark Petterson, US Navy Veteran;
 David C. Kegg, US Air Force and US Navy Veteran;
 John Krumm, US Army Veteran;
 Mical Ortega;
 Angel Raez;
 Isiah Handa;
 Barthamule Freman;
 Chris Evans, US Army Veteran;
 Anne Johnson;
 Dick Johnson, US Navy Veteran;
 Jovy Suniga;
 Brenan Monegas;
 Rodelio Cruz, US Navy Veteran;
 Paul Baguze, US Navy Veteran;
 Carlos Villicana, US Navy Veteran;
 Owen Foster, US Navy Veteran;
 Jessica Maulcopet;
 Robert Walterick, US Navy Veteran;
 Charles Patterson, American Legion;
 Robert Kent, Disabled American Veterans;
 Orlando Perez, Disabled American Veterans;
 Mark Giblin;
 Michael Soucie, US Department of Veterans Affairs,
 American Legion Post 17 Commander;
 Brian Cahill, US Army and US Marine Corps Veteran;
 SGM Jean Smith, US Army Veteran;
 Tim Prah, US Coast Guard Veteran;
 RADM Paul Vasquez, US Navy Veteran;
 Charles Watson, US Army Veteran;
 John Willoughby, US Navy Veteran;
 Giovannie Sibayan;
 Tina Gagabi;
 George Berish, US Army Veteran;
 Edward J. Aga, US Army Veteran;
 Robert K. Ellie, American Legion Post 56;
 Angelo Paul Russo, US Air Force Veteran;
 Al Remigio, US Army Veteran; American Legion Post 56;
 John L. Williams, US Army Veteran; American Legion Post 56;
 Bernard Lee, American Legion Department of Hawaii;
 Andrew Johnson, American Legion Post 56;
 Daniel Perreira, US Army Veteran;
 Angela Bick;

Patrick Nobriga, US Air Force Veteran;
 Berry Ho, US Army Veteran;
 Ivan Lee;
 Ron Schaedel, US Marine Corps Veteran;
 Franklin Souza, US Army Veteran; and
 Anthony Gioia, US Air Force Veteran.

Peniel Educational Ministries:
 Rev. Charles Underwood;
 Jade Underwood;
 Josiah Reyes;
 Osamu Alokoa;
 Brittany Wright;
 Amber Mefford;
 Braden Lai;
 Manaby Alokoa; and
 Ashlyn Tate.

Representative Cabanilla introduced her nurse colleagues: Ms. Nancy Atmospera-Walch, Ms. Lorilyn Wandasan, Ms. Donna Schmidt, Ms. Violeta Arnobit, Ms. Mila Batalon, Ms. Estelita Terrado, Ms. Elsa Talavera, Ms. Agnes Reyes, Ms. Lourdes Franco and Ms. Rosy Thomas.

Representative Mizuno recognized many case managers and community foster and adult residential care home operators who serve and care for the elderly and disabled.

Representative Manahan, on behalf of Representative Mizuno and himself, introduced the 4th through 8th grade students of Halau Lokahi, and their Director Ms. Laara Allbret; and Kumu Adeline Keama, Kumu Tiane McNeil, Kumu Kealii, Kumu Kristen, Kumu Hina and Kumu Kulei.

Representative Finnegan introduced additional veterans, and friends, family and supporters of veterans:

Fred Dauer, US Army Veteran; Disabled American Veterans;
 Jean and Stanley Maria;
 Noni Panen;
 Todd Kaulukukui;
 Greg Tanaka;
 Nestor Butac, US Army Veteran;
 Ryan Yamamoto;
 Keith Tanaka;
 Julie Aguinaldo;
 Juanita Ramos;
 Robert A. Higuchi, US Army Veteran;
 Jack Miyasato, Vietnam Veteran;
 Charlotta "Hana" Britten, Ladies VFW;
 Karen Abe;
 Marie Boles; and
 Harold Alejandro.

Speaker Say introduced high school members of the *Honolulu Advertiser* Teen Editorial Board:

Ms. Katelyn Orr of Kahuku High School;
 Ms. Dara Nakagawa of Pearl City High School;
 Mr. Drake Boyer, homeschool student;
 Mr. Cameron Dye of Iolani School; and
 Mr. Stephen Downes, chaperone.

Representative Ito introduced Commander Stan Fernandez of the Civil Air Patrol in Hawaii and Junior Vice Commander of the Veteran of Foreign Wars.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
44	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
45	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
46	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
47	Committee on Energy & Environmental Protection
48	Committee on Energy & Environmental Protection
49	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs
50	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
51	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
93	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
94	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance
95	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
96	Committee on Energy & Environmental Protection
97	Committee on Energy & Environmental Protection
98	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization, Business, & Military Affairs
99	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
100	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

<u>S.B.</u> <u>No.</u>	<u>Referred to:</u>
2246, SD1	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>
2298, HD1	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources
2462	Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATION)**

The following resolution (H.R. No. 52) was announced by the Clerk and the following action taken:

H.R. No. 52, entitled: "HOUSE RESOLUTION COMMEMORATING THE 65TH ANNIVERSARY OF THE END OF WORLD WAR II AND ACKNOWLEDGING THE PEARL HARBOR HISTORIC SITES PARTNERS FOR THEIR CONTRIBUTIONS IN PRESERVING THE NATION'S MILITARY LEGACY," was jointly offered by Representatives Takai and Finnegan.

Representative Takai moved that H.R. No. 52 be adopted, seconded by Representative Finnegan.

Representative Takai recognized and thanked the Pearl Harbor Historic Sites partners and commended them for working together to preserve and honor our military history and those who served our country.

Representative Finnegan acknowledged Representative Takai for his participation in bringing the Historic Sites partners together, and then introduced the honorees seated on the Floor of the House:

- Mr. Paul DePrey, Superintendent, USS Arizona Memorial;
- Mr. Jerry Hofwolt, Executive Director, USS Bowfin Submarine Museum and Park;
- Mr. Michael Carr, President, Battleship Missouri Memorial;
- Mr. Kenneth DeHoff, Executive Director, Pacific Aviation Museum; and
- Ms. Claire Tamamoto, representing Pearl Harbor Historic Trail.

Representative Takai also introduced Mr. Daniel Martinez, USS Arizona Memorial and Park Service historian, who was seated in the Gallery.

Representative Ching thanked the Historic Sites partners for their work in educating the public about our history and those who served.

The motion was put to vote by the Chair and carried, and H.R. No. 52 was adopted, with Representatives Berg, M. Oshiro and Souki being excused.

At 12:40 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

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 Berg, Bertram, Luke and Souki were excused.)

UNFINISHED BUSINESS

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.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1901, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

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.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2169, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise on Stand. Com. Rep. No. 413 to express some reservations. Small businesses are the lifeblood of the Hawaiian economy. It is the small businesses that provide services to our local people and our tourism industry. It is these small businesses that provide most of the jobs, and drives our economy. It is these businesses that we are trying to save and help with House Bill 2169, House Draft 2.

"This bill is a good step in the right direction. Without this legislation the employment tax will probably result in a greater increase than unemployment, putting an even greater strain on our already fragile Unemployment Insurance Fund.

"However, this is where I have reservations, Mr. Speaker. The bill does not go far enough. The bill only provides tax relief for the next two years. Under the Administration's proposal, these businesses will have tax relief over the next four years and provide almost \$500 million in tax relief. Tax relief that will help our local businesses recover and become prosperous once again.

"The current bill before us uses Schedule D for 2010 and Schedule F for 2011. That is just two years of help. The Department of Labor's plan uses Schedule E for 2010 and 2011 and Schedule F for 2012 and 2013. That is four years of helping our small businesses. In addition, if the economy improves as we all hope it does and the fund increases, the Administration's proposal allows for the Department of Labor to use ..."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. Under our *Mason's Rules* Section 101, Point number 4, debate on a bill is confined to the bill under consideration and does not extend to other bills before the House or in Committee even though they relate to the same subject. So she can only talk about the bill before us."

The Chair addressed Representative Marumoto, stating:

"Thank you, very much. Representative Marumoto, could you please confine your remarks to the bill in its current form as a House Draft 2."

Representative Marumoto continued, stating:

"Thank you for the reminder, Mr. Speaker. This current bill before us will lock us into a mandated schedule for two years and after that time we go back to business as usual, to no relief at all. God forbid that the economy here does not improve, and we pass more taxes that drive companies out of business, and the unemployment rate goes even higher. Well in two years we will be back in the same spot we are in today, or maybe even a worse position. However, if we consider a different plan, then we might have a few more years to help 'weather the storm.' I hope

we will see more improvement in this measure as it progresses through the Session. Thank you."

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

"Mr. Speaker, I rise with strong reservations, almost a no, but with reservations. There's something I'd like to say for it. It's arguably probably the most important bill for the small business community in Hawaii. It's one that for \$90 per employee to go up to \$1200 per employee for the unemployment insurance.

"As my colleague indicated, this bill does not give a soft landing. It's a half a loaf. It gives for the first year \$600 from the \$90, but in the second years it goes up to \$900. I would argue it's only one year of relief, whereas the Administration's bill gave a soft landing where it would be \$600 for three years plus. Then after the economy turns around we can raise up those rates to make it whole.

"The irony of this, Mr. Speaker, is that it costs us nothing. This is all being paid by the business community so why are we being so stringent in making it a hard landing. My fear is this could be a job killer, and if there's anything we've got to do, number one is get our kids back in school, and number two, keep the jobs in Hawaii. For those reasons, Mr. Speaker, I have very, very strong reservations."

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

"Mr. Speaker, I rise in support of this measure. Thank you, Mr. Speaker. I just wanted to mention one thing and that is a few years ago when we first debated this issue there was one colleague of ours who stood out and warned us that if we did a certain thing, we may be causing something else. And that something else actually is happening today. And I do want to recognize at this point, then Representative Dwight Takamine, now Senator Dwight Takamine, because he warned us and he told us not to do what we did in 2007. But we did it, and unfortunately we're paying the price that he basically said we would pay.

"And I think as we go along and make decisions this year, I think it's important to heed advice from some of our learned colleagues. I just wanted to remind the Members that I think we were warned very clearly about something like this happening, and I wanted to thank Representative now Senator Takamine for his guidance back then. Thank you."

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

"Mr. Speaker, in support. Just a couple of quick points, one is that the HD 2 of this bill is not exactly what the Chamber of Commerce asked for, but it's very similar and I'm happy to support the Chamber's position. I'm happy to support this bill and am pleased that it is similar to what the Chamber of Commerce would like to see.

"Secondly, with regard to the longer term of the tax deferral for businesses and UI, under the Administration's proposal we would still be running a \$164 million deficit in the UI Fund at the end of 2013. In 2014 we would only be running a positive balance of \$23 million. I think it's a very dubious proposition. It's very difficult to predict that far in the future what the economy's going to be doing and we're trying to adopt a responsible approach to this issue.

"I and others, my Vice Chair and others have been working on this problem for months now, and we think that the bill that's on the table right at the moment is a good compromise. It actually gives more tax relief in its first year. It only goes to Schedule D in the first year, which is a lower tax rate than the Schedule E that the Administration wants. So for the year that we know there's going to be a problem, which is this year, the bill that's on the Floor today offers more tax relief with regard to the schedule than the Administration's bill does.

"Now the Administration's bill does cut back on the taxable wage base at a deeper rate, but this is a complicated system in a lot of ways ..."

Representative Finnegan rose, stating:

"Mr. Speaker. Thank you I'm just curious because you just made a ruling and I'm going ask for fair treatment and say that we can speak about bills other than what is being covered today."

The Chair then stated:

"I believe the Chair of the Labor Committee is trying to make a comparative analysis between the original bill, the House Draft 1 and finally the House Draft 2. The Chair will allow him to continue."

Representative Finnegan: "As well as the Administration's, Mr. Speaker?"

Speaker Say: "The Administration's bill is not before this Body. The original House Draft ..."

Representative Finnegan: "I agree. That's what this speaker is also speaking of. So fair treatment is all I'm asking for."

Speaker Say: "At this time, the Chair will allow the Chair of the Labor Committee to continue. Please, Representative Rhoads."

Representative Finnegan: "Mr. Speaker, then could I also ask that our Representative from Kahala be able to also speak, and anyone else on the Administration's bill and the HD 1?"

Speaker Say: "At this point in time, Members of the House, the Administration's bill is not before this Body. It is a House Draft 2, which is a compilation of three different versions, the original House Bill, House Draft 1, and House Draft 2."

"The contents of the original bill, the Chair of Labor is making that comparison to the House Draft 1, which came out of the Labor Committee. That was the Labor Committee's recommendation. And now before this Body is a House Draft 2, which is the recommendation of the Finance Committee. And that's the procedure I am following. I will let the Chair of the Labor Committee continue his discussion. Please proceed."

Representative Rhoads continued in support, stating:

"Thank you, Mr. Speaker. I just have one more point. And my apologies for straying too far from the ruling that you made a few minutes ago. It is a complicated topic and it's very difficult to discuss in isolation, and I understand that."

"But the only other thing I would add is it is a very complex system. There are lots of variables. We're doing the best we can to get businesses through this difficult period. This bill does that while maintaining that those who are laid off, which by definition means that they've not been fired, and it's no fault of their own, they continue to get their unemployment benefits which will help keep the mortgage paid and keep food on the table. So that's all for my comments. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Mr. Speaker, I support this with reservations. Thank you, Mr. Speaker. This is probably one of the most important bills that we have to pass during this Session because as you know and like I've said in the past, that small businesses are the engine of our economy. Businesses in general that give us jobs are the engine of our economy."

"Mr. Speaker, I just wanted to address a couple issues that were brought up. We need an aggressive plan and I'm thankful that we're bringing up this piece of legislation. The original, and the House Draft 1, there's significant change. And now through the Chair of Finance and the Finance Committee, there's been a lot of improvement, I believe. I think we should go one step further, and I agree with my colleague from Hawaii Kai."

"The issue that I wanted to speak about was, if the former Representative who is now a Senator of the Hilo area, when he passed this bill there was a compromise. It was not only that we would give relief to

small businesses, but in conjunction we also gave extended benefits. So if you want to say that this is solely because of the warning of possibly using up the Unemployment Fund during a bad time, it was also because of the second half of that bill, which was extending and making greater the benefits. So it's twofold."

"Mr. Speaker, I would also say that in this, now when we're looking for relief for the small businesses because these uninsurance premiums are going to go up significantly, we are not looking at the other side of the equation. So business again will be paying for any higher premiums. This is a business tax for the unemployed, and I don't disagree with it, but business pays for it. So if you're going to go into a deficit, the businesses will pay for it in repaying that Fund or making payments for that Fund."

"No unemployed person will come back and give back benefits. No unemployed person is going to come back and make payments unless they decide to become a business. So this is shouldered all on the business community to pay back any funds that they're borrowing. And if it means that they're going to borrow so that they can stay alive, then I think that that's a positive thing."

"And we should talk from this Legislature, because we do things like borrow into the future all the time with deficits. So I don't understand why we're going to be so strict on the Unemployment Insurance Fund."

"Mr. Speaker, one of the good things, like I said, is that this is something that the Chamber came to the table on. So through testifying, it has been something that the Chamber agrees to. But we've talked to businesses that are on the ground outside of this Capitol, and these increases, even that the Chamber is requesting, are heavy, heavy, heavy increases for the average business out there."

"I think if we were to bring it to ground, if we were to bring it to the businesses out there, they would tell us that they need a more aggressive approach, and that they need this unemployment insurance increase, they would need to have a softer landing than we are presenting today. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support. Thank you very much. When we looked at House Draft 1 and we were working on House Draft 2 to make it a little more generous to employers, what we had to also consider was the contribution rate schedule. In the contribution rate schedule the way the mechanism works is, when you're repaying into the Fund it burdens the employers that have lower experience. So the concern was if we were a little too generous on how much we were aiding the employers, that we would shift the burden to the employers with low experience rates. So I think where we ended up in House Draft 2 was a good compromise. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a brief rebuttal. Mr. Speaker, no one in this State caused this problem. To say that one Representative was prescient when we had \$500 million sitting in that Fund, that he was a 'soothsayer' and knew what was going to happen. No one knew what was going to happen in 2008. No one knew that in the last quarter of 2009 that we'd lose 46,000 jobs, 99% of which were private sector. The public sector has lost maybe 1%."

"The money that we're talking about here, if it does go as the Chair of Labor said, go into a deficit, its borrowing money from the federal government. If there's anything that Hawaii has been very good at, it's getting federal assistance."

"The final thing, Mr. Speaker, is that if this is going to cost us jobs, it's 'penny wise and pound foolish.' I know it's relative to what the Chamber says, and what small businesses and other people we've talked to on the street say, but you don't usually ask for a half a loaf until you know you can get the full loaf."

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

"Mr. Speaker, I rise in strong support. I'd like to thank the Chair of the Labor Committee for all his work over the interim. He spent a lot of time. I'd like to also thank the Director of the Department of Labor and Industrial Relations, Mr. Darwin Ching. He spent a lot of time also on this measure. I like to also thank Jim Tollefson from the Chamber of Commerce, and Sherry Menor from the Chamber of Commerce of Hawaii, for their time and effort in reaching a compromise, balancing the interest of both the laid-off employees and the employers.

"I'd like to also thank the Vice Chair of Labor who came up with this creative notion that those who used the Fund the most and who may bear some responsibility for the losses of the Fund will bear an equitable and fair assessment in the repayment of the interest and principal of the money that will be borrowed from the federal government.

"Some high points of this measure, Mr. Speaker, and the reason why both Director Ching and the Chamber of Commerce support the current draft, House Draft 2, is that for calendar years 2010 and 2011, the wage base is set at 19% of the average annual wage.

"Number two, the employer contribution rate is at Schedule D for this calendar year, and Schedule F for the next calendar year, 2011.

"Number three, the requirement that the UI contribution rates scheduled to be determined semiannually and annually is deleted. That may appear in a different vehicle for consideration so that it can be more responsive to the changing economic conditions and addressing the needs of the employers.

"Number four, the maximum weekly benefit rate will stay at 75% of the average weekly wage effective January 31, 2011 and provide for the percentage to return to 70% on January 1, 2012. This runs concurrent and consistent with the policy on both sides of the equation; laid-off workers and the employers.

"Finally, Mr. Speaker, this requires the Department of Labor and Industrial Relations again to come up with a mechanism to properly assess the principal and interest of the moneys borrowed from the federal government. Mr. Speaker, this provides immediate relief to our burdened employers, sustains the Unemployment Fund for those laid-off workers, and provides about \$200 million in savings to our Hawaii businesses. For these reasons I hope we can support this measure. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker, still with reservations. But I just wanted to make something very clear. The laid-off workers part. The reason why we're so, well at least for myself, want to be aggressive with trying to help businesses, to be more aggressive than this bill is, is because we don't want more people being laid off. If businesses have so much of a spike in Unemployment Insurance taxes, the only thing that they can do in a depressed economy like ours is to look at possibly laying off more people.

"So our stance, my stance, in supporting businesses is because we don't want to see more laid-off people. This isn't anti-laid-off people. This is pro-job. This is keeping people in the work force. This is what do we do at this crossroad when this could very well mean that we could lay off more people. It's just like in my Opening Day speech when I talked about Shirokiya and the possibility of this Unemployment Insurance tax being hiked up and businesses not being able to afford their current workforce.

"So, Mr. Speaker, please understand and be very clear that this is not about being anti-unemployed. This is about pro-work and keeping people employed. Thank you."

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

Representative Rhoads rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in support. I just want to say that as far as I know, no one on this side of the aisle has said the Republicans were anti-unemployed. All I'm suggesting is that there is a balance. You do have to have some money in the Fund to pay the unemployment insurance. And for those who are unemployed through no fault of their own, this is a lifeline. So what we're looking for is a balance. We're looking for prudence and I think that the bill that we're looking at today is a more prudent approach than the Administration's.

"I understand the Administration wants to be more aggressive and that's a policy choice that they're perfectly entitled to make. The national economy is already growing, and they're basically assuming that nothing good is going to happen in the next two years, or the next three years actually. I don't think that's necessarily a good assumption. This is a compromise bill, but when you look at what the factors are trying to balance, I think it's a prudent way to go. Mahalo"

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

"Thank you, Mr. Speaker, I have some serious reservations about the bill as well. Mr. Speaker, I think it's very clear that this bill will create more unemployment because small businesses are going to end up having to lay off some workers. So it's an escalating problem.

"I don't see that we should necessarily rely upon the Chamber of Commerce's support for the bill because for the most part, the Chamber represents very large businesses. The small businesses that were not there testifying are there at work. They don't have the luxury of sending someone down to the Capitol saying that if you pass the bill with this requirement in it, we're going to have to lay off some of our employees.

"So I think what we're looking at is a self-perpetuating downturn and I would hope that we would reassess this bill when it comes back from the Senate. Thank you."

The Chair then recognized Representative Ward, stating:

"Representative Ward, this is your third time speaking. Please state your point of personal privilege."

Representative Ward rose, stating:

"May I have a ruling on a point of personal privilege? The point of personal privilege is one Member from the other side said that the GOP, and this is a Twitter. This is a technology point of personal privilege. He said that the GOP is urging a softer landing for businesses on the Unemployment Insurance changes by reducing benefits for laid-off workers.

"Mr. Speaker, no one has said anything about the benefits for laid-off workers being reduced. This is misinformation. It's unfair, and it's a point of personal privilege. I'm offended by that. We have not said anything about benefits to workers. It's unfair."

The Chair responded, stating:

"Representative Ward. Representative Ward, you are out of order."

Representative Ward: "I know there's a technology that does this, and the person who did it knows who it is. It is unfair and dishonest."

Speaker Say: "Representative Ward. Representative Ward, you are out of order."

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

"Thank you. Reservations. I think that it's been published. I wanted to just add that it's been published by many financial experts who have said that they don't expect us to turnaround in the next few years. I would also ask for additional written comments please."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations on H.B. 2169 - Relating to Employment Security. I believe that this bill is a step in the right direction but it doesn't go far enough. I think the Governor has a more effective bill at this time.

"This is an important topic, particularly during these economic times and we must address this matter. The Chamber of Commerce states in their testimony, "Unless every effort is made to mitigate the impact on jobs, a dramatic tax increase over the next few years, the largest ever in Hawaii or in the United States, will likely lead to more loss of jobs, more business failures, a weakening of any recovery and further depletion of the unemployment trust fund. The non-profit and non-partisan organization, Urban Institute, has noted in review of our situation that the high tax rate schedules in store for the next few years have not been operative for more than 30 years and that increased taxes will increase unemployment, but the magnitude in uncertain." Thank you."

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

"In support, Mr. Speaker. If we don't pass this bill, there will be even larger layoffs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2169, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Souki being excused.

At 1:14 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1901, HD 2
H.B. No. 2169, HD 2

At this time, the Chair announced:

"At this time, the Chair would like to share my thoughts with the Members of this august Body, and to say thank you for fast tracking these two measures.

"These two measures are basically trying to address and prevent a crisis from occurring in April regarding the rate increases of the UL, and also for the procurement of the voting system equipment which is in anticipation of an appeal or protest of the acquisition which will be a major detriment to the elections this fall."

At 1:14 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:19 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 423-10) recommending that H.B. No. 2016, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 424-10) recommending that H.B. No. 2371, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representative Pine rose and stated:

"Mr. Speaker, I move to recall House Bill 2311."

At this time, the Chair addressed Representative Pine, stating:

"Representative Pine, you are out of order at this point. You are out of order at this point. The Chair will not recognize that motion.

"Right now, we are on the motion for the Reports of Standing Committees. The Majority Leader and the Majority Floor Leader made this motion and seconded the motion for the Reports of Standing Committees and we are addressing it. That is the main motion before this Body at this point in time."

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 425-10) recommending that H.B. No. 2304, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki 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. 426-10) recommending that H.B. No. 2132, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representatives Morita, Ito and Tsuji, for the Committee on Energy & Environmental Protection, the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 427-10) recommending that H.B. No. 2450, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 2450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Berg and Souki being excused.

Representative Pine moved to recall H.B. No. 2311 from the Committee on Housing, seconded by Representative Thielen.

At this time, the Chair stated:

"Members of the House it has been moved and seconded that House Bill No. 2311 be recalled from Committee. For all of you here this afternoon, Members of the House, this is a procedural motion. A procedural motion. Debate is limited to the propriety of the action in recalling the bill. Debate

on the merits of the bill is not in order at this point in time. Is there any discussion on the recall motion before us now, Members of the House."

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

"Mr. Speaker, I rise in support of the motion. Mr. Speaker, as a Vietnam Veteran, this is a very meaningful bill to me. And historically, as a freshman in this Body, when we were at the Leiopapa a Kamehameha Building, we had a similar measure that was a resolution encouraging the Congress to not allow the burning of the American flag."

At this time, the Chair addressed Representative Ward, stating:

"Representative Ward, can you confine your remarks to the recall motion? I support the recall motion because"

Representative Ward: "Because it allows us to treat the flag ..."

Speaker Say: "And not to debate the issue which is not before us. Please proceed."

Representative Ward continued, stating:

"I was going to use your words. I think it's only fair to debate in a democracy, those issues which come to this marketplace of ideas, for people to use their mind, their intelligence. And for those who have come here with their feet and have given their blood, and guts to their country, to have this Body, with courage and bravery, have a vote on a bill that allows them to place a flag in their yard of their own property, of their own doing, for their own country, for the service that they have given to that nation. For those reasons, Mr. Speaker, we do this."

At this time, the Chair stated:

"Madam Clerk, the remarks stated by Representative Ward are out of order. The motion before this Body is the motion to recall. It is not to state the issue of the bill which is not before us, or what it is all about. If this is the political democracy that you're talking about, I am sorry."

Representative Cabanilla rose to speak in opposition to the motion to recall, stating:

"I'm in opposition to pulling the bill out of Committee, Mr. Speaker, by reason that this bill had a hearing, and nobody, nobody, no one showed up at the hearing."

Representative Har rose to speak in support of the motion to recall, stating:

"Thank you, Mr. Speaker, in support of the motion. Mr. Speaker, I support the motion because of this: for the Chair of Housing to say that there was no testimony offered in support is rather disingenuous. Because everybody in this Body knows that bills move forward whether there is testimony in support or not. Again, the whole process of democracy, and it is incumbent upon us as policymakers to listen to both sides and to find viable solutions. For a Chair simply to defer moving on a bill because there was no testimony in support is not a reason to defer the bill. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, in support of a motion to pull House Bill 2311, which will allow anyone in America to fly a flag no matter where they live. The reason I support this motion, Mr. Speaker ..."

Representative Cabanilla rose, stating:

"Mr. Speaker. I'm in opposition, and I would like to say that House Bill 2311 is not about flying the flag. It's about erecting a flag pole."

The Chair addressed Representative Cabanilla, stating:

"Representative Cabanilla, please. For what reason do you rise?"

Representative Cabanilla: "The bill is misconstrued. The description of the bill is misconstrued."

Speaker Say: "We are not addressing the bill. We are addressing the motion to recall. So please, Representative Pine, please proceed with the motion, but confine your remarks to the procedural recall motion."

Representative Pine continued, stating:

"Yes, Mr. Speaker, the reason I support this procedural recall motion is I believe that no one in America, especially those that have served their country, should ever have to beg and ask permission to fly the American flag. No one."

The Chair addressed Representative Pine, stating:

"Representative Pine, you are out of order. Representative Pine, you are out of order. The motion is the recall motion. Not to debate the issue which is not before us. This is a procedural motion. Please. For all of you."

Representative Pine continued, stating:

"The reason I support this motion, Mr. Speaker, is because I believe that if we do not pass this motion today we are discriminating against veterans who wanted a right. A basic right. A right that we gave to windmill's in community associations on Tuesday. And a right that we gave to solar panels in community associations. And a right that we gave to clotheslines."

"I believe in supporting this motion that we are fighting for them as they have fought for us."

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

"Thank you, Mr. Speaker, in strong support of the motion and at the appropriate time after debate is concluded, I call for a roll call vote," and the Chair "so ordered."

Representative Finnegan rose to speak in support of the motion to recall, stating:

"Mr. Speaker, in support of the motion. Mr. Speaker, I think what this is about is sometimes when a Chair makes a decision, a majority of the Members in the House of Representatives may have a different opinion. So by recalling this bill, it allows all of us to voice whether or not we support the underlying bill, to be able to make known our opinion especially when there are a lot of people who are depending on us to do the right thing. Thank you."

Representative Ching rose to speak in support of the motion to recall, stating:

"Thank you, Mr. Speaker, in support of the motion as well. I just wanted to make the point that we all know how difficult it can be to get people, get the word out, when a hearing is being held. But the point of the hearing is to make sure that the voices are heard, and I think the voices are being heard. And we need to make sure that we don't lose sight of the forest beyond the trees. Thank you."

Representative Morita rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker, I rise in opposition to the recall. In speaking from a point of view of a Committee Chair, we have lots of issues that come before us. The Committee on Housing only has one hearing day. The Chair was good enough to schedule this hearing. Unfortunately it didn't rise to the level of statewide importance, therefore it was deferred."

"We have many important matters, especially given our budget situation that we must take up. And quite frankly, I don't see how this issue rises to the level of a recall. Thank you."

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

"Thank you, Mr. Speaker, I rise in favor of the motion. I will support a motion to recall as I have done in several instances, mainly because as a Minority member we are not Chairs. We do not determine what bills get heard. We don't hear many of the bills that are introduced in this House. When there is a motion to yank a bill out of Committee, it's because there is an interest on the part of a number of Members of this House.

"This particular bill I would claim is more than of local importance. I think it is of national importance. And I think the eyes of the country are on us today. I would sincerely hope that we are able to discuss this measure on the Floor. Thank you."

Representative Evans rose to speak in opposition to the motion to recall, stating:

"I stand in opposition to the recall. Mr. Speaker, the wonderful thing is we have the process. And the process was a hearing and an opportunity to bring up something which is a new idea. It was the first time this idea has been brought forward. And as many ideas that we have here at the Legislature, sometimes it takes several years to flush out the pros and cons, and talk to people. Maybe get this whole issue out statewide. All those planned community associations that are around the State probably don't even know we're having this discussion today.

"So it's not uncommon that we have these bills that take several years to talk about why we do them. Why we don't do them. What are all the unintended consequences? So I support the Chair and I oppose the recall. Thank you."

Representative Rhoads rose to speak in opposition to the motion to recall, stating:

"Mr. Speaker, in opposition to the motion. I just wanted to point out that, and maybe this is already clear to everyone, but the Chair of the Housing Committee is a Lieutenant Colonel in the Army. Let me repeat that. She's a Lieutenant Colonel in the Army. It's not like the proponents of this measure got a Chair who is you know, a 'pinko commie liberal' who doesn't care about her country. She's given much of her life to the service of the country and I think that should be noted. Mahalo."

Representative Saiki rose, stating:

"Mr. Speaker. Could the Chair please remind the Gallery that there is a level of decorum required in this Chamber?"

Speaker Say: "Yes. Thank you very much for reminding me."

Representative Takumi rose, stating:

"Thank you, Mr. Speaker. That was going to be my point as well."

Representative Tokioka rose, stating:

"Yes, Mr. Speaker. May I get a point of clarification? The motion on the Floor is to recall the bill, correct?"

Speaker Say: "Yes. House Bill 2311."

Representative Tokioka: "If that motion does pass, then the Members of the House of Representatives will have an opportunity to have discussion, am I correct?"

Speaker Say: "Correct."

Representative Tokioka: "Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"Yes, just in rebuttal, Mr. Speaker. You know I too started this Legislative Session thinking that I was focusing on statewide importance issues. Homelessness, housing, the State Budget, taxes. And sometimes we recall bills like this because sometimes some people don't think bills are as important, but they are to some people.

"We talk about process. There is a process. You take one to two years to pass a bill, it was said earlier. The veteran that I'm recalling this bill for was away from his five kids, his wife, when he was in Iraq. And we want to tell him to wait another year because this bill was killed in the Housing Committee? That is why this bill is so important, because his voice was not heard. To take away this right to pass this recall of House Bill 2311 to the veterans in the Gallery is like taking away air from their lungs.

"We go to other countries, that's why they're here today, House Bill 2311, to recall this bill to the Floor, because they believe that this bill is of statewide importance. Never do they put the flag in the back of everything else. It is always in the front to them. So to say that this is not part of the process, this is part of the process, Mr. Speaker. That is why democracy is so great. If an issue gets lost somewhere in this busy place by people who don't have paid professional lobbyists to come here, this recall gives another chance for all of us to discuss what's important.

"Sure the budget is important. Of course, none of these people are saying that it's not. Homelessness is important. None of these people are saying that it's not. Education is important. None of these people are saying it's not. They just want to say it's also important to love your country, and to recall this bill so we can show that we love our country by flying an American flag or a Hawaii State flag, which has been approved by the our federal government as well as our State government, to represent us."

At this time, the Chair stated:

"Thank you, very much. A lot of discussion has occurred.

"Would the people in the Gallery please try to control your emotions on this particular debate going on. I believe this the legislative process where we have democracy. The process is a motion for a recall of a measure like any others.

"At this time we've had a lot of discussion, but the Chair will allow the Majority Leader for his comments."

Representative B. Oshiro rose to speak in opposition to the motion to recall, stating:

"Mr. Speaker, I rise in opposition to the motion. And I will stick just to the procedures of this. Actually first, let me say that I don't think there's any question that the people in this Body love their country. I don't think that's what the issue is about. The issue is about again, the procedure.

"Under our House Rules we already have a procedure under Rule 11 whereby any Member can request that other Members of their Committee, a majority of the Committee can then petition the Chair to move the bill.

"Contrary to what the Representative from Ewa said, the bill was not killed. The bill was deferred. There is a wide and very, very big difference between a deferral and a hold. A hold kills the bill. A deferral does not. And a deferral means that there is an opportunity for the bill to continue to move if there is a way for the bill to be fixed.

"I would contend in my review of the bill without getting into the substance, that unfortunately that bill is substantially and fatally flawed because it does not achieve what the proponents are seeking to do. Unfortunately they've been misled into this swirl of belief ..."

Representative Pine rose, stating:

"Mr. Speaker. Point of personal privilege. I am personally offended."

Speaker Say: "He's stating for the record about correcting the errors and mistakes that you are alluding to. The Chair will allow the Majority Leader to continue."

Representative Pine: "There are no errors in this Bill. It was written just like the Clothesline Bill that we passed out of this Body."

Speaker Say: "Representative Pine, you are out of order. Representative Pine, you are out of order. Please sit. Representative Blake Oshiro, please proceed."

Representative B. Oshiro continued, stating:

"Again, without getting into the merits, and if we ever do get to the merits, I can point out those flaws because contrary to her opinion, it wasn't written the same. There are flaws in the bill and that is why I think a deferral was appropriate. The Housing Chair did need to take a further look and deeper study into this issue. And I think she will be doing so. I've talked with her and I believe that any Member here, if they believe that this issue rises to that statewide importance. If they believe that this issue is that important, my recommendation is not to drag 100 people down here, but work with the person that's 10 feet away from you. All you need to do is discuss what your issue is ..."

The Chair addressed Representative Pine, stating:

"Representative Pine, for what purpose do you rise?"

Representative Pine: "Mr. Speaker. I did try to work with the person 10 feet away from me, and she said she is not passing this bill."

Speaker Say: "Representative Pine, you are out of order at this point. Representative Blake Oshiro, please proceed and summarize."

Representative B. Oshiro continued, stating:

"All I'm saying is there are other ways that this bill can continue to move. There is the re-referral process. There are other things that can be done procedurally.

"This bill was not killed. It was deferred. There is the opportunity for it to continue to be worked on, discussed and debated if people are willing to read their rules, understand the procedures, and work through our internal democratic process that exists. If they are not and they want to recall the bill and politicize it, then at that point what they've done..."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, for what purpose do you rise?"

Representative Thielen: "Mr. Speaker. I rise because I'm offended by that too."

Speaker Say: "Representative Thielen, you're out of order. Please."

Representative B. Oshiro: "Mr. Speaker. Mr. Speaker, if people would read their Mason's"

Speaker Say: "Representative Thielen, you are out of order."

Representative Thielen: "Mr. Speaker, we are not trying to politicize it. We are trying to say that the American flag deserves as much respect as clotheslines."

Speaker Say: "Representative Thielen, you are out of order at this point. Please sit down, please. Representative Thielen, you're out of order."

Representative B. Oshiro continued, stating:

"Mr. Speaker, if people would read their Mason's Section 223, it will define a personal privilege for them exactly. The two people that have risen on a personal privilege did not qualify for that.

"Again, I was near the completion of my speech. Again, there is a potential for this to move. There is a potential for this to continue to be discussed. However, what needs to happen is an internal working and people actually coming forth and expressing their opinion. And that can continue to be done without this having to be recalled. Thank you."

The Chair then stated:

"At this point, a roll call has been requested. For those who support a roll call vote, prior to the recall vote, please raise your right hand."

Representative Takai rose to speak in support of the motion to recall, stating:

"Mr. Speaker. Before we do that, can I ask permission to insert comments in support of the motion, please? Thank you."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The purpose of this bill is to allow the use of flag poles to display the flag of the United States or of the State on the premises of a single-family residential dwelling. This bill would also include reasonable restrictions on the use of flag poles for aesthetic purposes.

"Displaying a flag is a form of expressing a thought, belief or feeling. As Americans, we have the right to freedom of speech, which I believe includes non-verbal communication. Every citizen should have the right to display the Nation's flag at their home

"Countless lives were sacrificed for the freedoms we enjoy today. I believe it would be absolutely disrespectful to not allow veterans and their families to express their patriotism. For these reasons I support this measure and urge my colleagues to do the same. Thank you."

The request of roll call was put to vote by the Chair and upon a show of hands, the request was not granted.

At this time, the Chair stated:

"At this time, Members of the House, there is no need for a roll call vote. It did not meet the requirements of the roll call vote. Members, so at this time, may we proceed on.

"For the veterans who are here this afternoon, this is a democratic process that you have just seen. I would hope that if you would look at our House Rules which states that some day if elected officials like you are a Chair of a committee and you've had your public hearing without any testimony for or against, it is in the wisdom of the Chair to make that decision.

"The process is open, and like what the Majority Leader has stated, it is very transparent in getting your ideas across to the legislative body here. I say to all you, there is still this year to address this issue and also during this interim period. I truly wish, like I told the Representative from Ewa Beach, that if there was a companion bill in the Senate, this House would have entertained it also. Was there a companion bill, Members of this House?"

Representative Pine rose, stating:

"Mr. Speaker. Point of information. You are spreading information as if there was no testimony in support of this bill, but there was, Mr. Speaker."

At 1:42 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:44 o'clock p.m.

(Main Motion)

The Chair then announced:

"At this time Members, we will be having a vote. A vote on the motion to recall House Bill 2311, because it has been moved by Representative Pine and seconded by Representative Thielen, that House Bill 2311, be recalled from the Committee. All those in favor, please raise your hand at this time for the recall motion."

At this time the motion to recall H.B. No. 2311, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," from the Committee on Housing, was put to vote by the Chair and upon a show of hands failed to carry. (Representatives Berg, M. Oshiro and Souki were excused.)

Representative Finnegan rose and stated:

"Mr. Speaker, I'd like to move if we could re-refer the bill to a single committee."

Representative Pine: "I second the motion."

Speaker Say: "There is a process that we go through right now where the Chairs who are affected by this measure would have to do that with an application."

At 1:45 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:47 o'clock p.m.

At this time, the Chair stated:

"I would like to correct the Minority Leader that the bill is not before this Body, and if there is any motion or request for a re-referral, it could be done and we'll be discussing it after Session."

Representative Pine rose, stating:

"I rise on a point of personal privilege. I just want to personally apologize. I'm sorry to Members of this Body that are upset today because we pulled this bill or attempted to pull this bill. You know I came here to change government, but sometimes along the way there are people that you meet when you work here that changes you. I never understood why this issue was so important to my grandpa, or to my husband, until now. And I want to thank the Majority Leader for letting these veterans know that there is still a chance. So today is the first day of their next battle, and they have until the end of April to convince all of us this is important."

Representative Cabanilla rose, stating:

"I would request for the same point of personal privilege, Mr. Speaker. I would like to say that the deferral of the HB 2311 is not the death of the issue. There will be a resolution because I believe that this matter is best served by a resolution. Where in that resolution would ask for a task force composed of members of planned community associations, residents, veterans, veteran's organizations, and anybody that would like to be on the task force.

"This is not a simple matter, Mr. Speaker. And I, as a veteran of 23 years in the Army, am very concerned about these protocols in giving the flag its proper place. The dignity and honor that is shown to that flag. I have no doubt that those veterans up in the Gallery will follow those protocols. However, the laws that we pass this Session in these halls will affect every citizen that lives in community associations.

"I think that we owe it to the whole State for them to hear this initiative and let them come forward and have a say. The way to do that, Mr. Speaker, is through a task force. We cannot blindsides all those residents in

community associations, and this bill is not stopping anyone from flying the flag."

Representative Thielen rose, stating:

"Mr. Speaker, that seems to be going quite far from a personal privilege, and it's more a speech and an excuse. You didn't ask veterans to wait and have a task force before they're allowed to serve."

Speaker Say: "Representative Thielen, you are out of order please. Representative Thielen you are out of order. Representative Cabanilla, will you just summarize your remarks in regards to your personal privilege?"

Representative Cabanilla continued, stating:

"Yes. I think that the better way to handle this is not through a bill, but through a resolution asking for a task force that all those people concerned, veterans and members of the community associations will come forward."

Speaker Say: "You are not stating why you are aggrieved by stating that declaration, Representative Cabanilla. So you are out of order."

Representative Cabanilla: "I apologize, Mr. Speaker. Thank you."

At 1:51 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:53 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Carroll, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 428-10) recommending that H.B. No. 674, as amended in HD 1, be recommitted to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS," was recommitted to the Committee on Hawaiian Affairs, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 429-10) recommending that H.B. No. 40, as amended in HD 1, be recommitted 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. 40, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was recommitted to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 430-10), recommending that H.C.R. No. 17, 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. 17, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII AT HILO'S COLLEGE OF PHARMACY IN ITS EFFORTS TO OBTAIN FEDERAL FUNDING TO ESTABLISH A BEACON COMMUNITY ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented six reports:

(Stand. Com. Rep. No. 431-10), recommending that H.C.R. No. 21, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 432-10), recommending that H.C.R. No. 22, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 433-10), recommending that H.C.R. No. 23, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 434-10), recommending that H.C.R. No. 24, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 435-10), recommending that H.C.R. No. 25, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 436-10), recommending that H.C.R. No. 26, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.C.R. No. 21, H.C.R. No. 22, H.C.R. No. 23, H.C.R. No. 24, H.C.R. No. 25, and H.C.R. No. 26, be referred to the Committee on Finance, Seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measures with reservations, stating:

"Please note my reservations on 431 and also on the next bills on page 5."

Representative Shimabukuro rose to speak in support of the measures with reservations, stating:

"Same request. I have reservations on all those."

Representative Hanohano rose to speak in support of the measures with reservations, stating:

"Same reservations on 433 to 436."

Representative Awana rose to speak in support of the measures with reservations, stating:

"Thank you, Mr. Speaker, the same request."

Representative Har rose to speak in support of the measures, stating:

"Mr. Speaker, in support. Very quickly for all of the Stand. Com. Reports No. 431 through Stand. Com. Reports No. 436. Mr. Speaker, these Resolutions were a result of a bill that was passed last year that was approved by this Body, also known as the Ceded Land Settlement.

"Mr. Speaker, what originally was Senate Bill 1677 eventually became Act 176, and in Conference Committee, unfortunately, some additional lands got thrown into that bill, which included non-ceded public lands. As a result now for example, the HHFDC, the Hawaii Housing Finance and Development Corporation, because of their lien right in certain properties, they now do not have the ability to resell these affordable units to families who would qualify for affordable housing because of that Act.

"There were very serious unintended consequences that occurred because of Act 176. As a result, these were non-ceded public lands. For the record, those standing with reservations should note that OHA fully supported these Resolutions. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPA'A, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAHAHAA LOOP, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII," was referred to the Committee on Finance, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 437-10), recommending that H.R. No. 31, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 438-10), recommending that H.C.R. No. 72, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 31, HD 1, and H.C.R. No. 72, HD 1, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

"Mr. Speaker, standing in opposition of Stand. Com. Rep. Nos. 437-10 and 438-10. Brief comments, Mr. Speaker. Testimony by the Department of Health stated that, and this is a quote, "Milk in Hawaii, meets and follows all guidelines, rules and interpretations regarding the safety of the milk. Temperature controls, and the required written records are in place that assure that the temperature and integrity of the milk is maintained 100% of the time from when it leaves the dairy farm on the mainland until it gets to the milk plant in Hawaii."

"Mr. Speaker, these resolutions are unnecessary. I think it'll have negative consequences to our local dairies and local producers. Mr. Speaker and Members, I want you to know that the Hawaii Farm Bureau testified in opposition also stating that the US State Department of Agriculture, the Food and Drug Administration, the State Department of Health, and the Federal Department of Health and Human Services, all monitor and ensure the safety of the milk. Mr. Speaker and Members, I just want you to remember that it's a fragile industry that has suffered greatly over the past few years. I think this measure is counterproductive and unfair to dairies and local producers. Thank you."

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

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

"Thank you Mr. Speaker, I rise in support. This is not my resolution, but we did hear it in the Agriculture Committee. During the hearing, there was actually nobody who showed up in opposition to the resolution, but only testimony in support of it.

"There were serious concerns that were raised, primarily about spoilage and bacteria. Not actual safety concerns, and that's why we revised the language, so that it would also focus on labeling requirements. I think that we're actually most concerned about the local dairies, because they are at a disadvantage compared to a lot of the mainland companies. And at the same time the consumers are not necessarily getting the right information, because the freshest milk is coming from Hawaii, whereas the milk that is imported from across the country may have been in storage for over a month and retreated once it gets to Hawaii. So there are some serious issues that we want to make sure that the consumers have the right information and we address the safety concerns. So we're looking forward to this moving forward and having more discussion. Thank you."

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

"Mr. Speaker, in support. I probably could use the help of the people in the Gallery if they were here. I have some questions about the quality of milk imported in Hawaii. And while these resolutions aren't perfect, it does bring up a good point. The intention of these resolutions is to protect the local dairies and to draw distinctions between the local dairies' milk and that imported. Because we believe that imported milk takes 25 to 30 days to come here from the mainland and that's what the intention of this was. Thank you."

Representative Hanohano rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

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

"Thank you very much, Mr. Speaker. In opposition. And just for everybody's edification, just because something is expired, that doesn't mean it's bad or dangerous. Yogurt, which many of us eat today, is created from milk that has gone past its date and has curdled. It's the same for cheese and the same with sour cream, which people have on their potatoes every day.

"One of the testimonies that was most poignant was that when the milk starts to cure, it actually prohibits the growth of pathogens in the milk. So it's a complicated science. I think this is more of a quality issue. It's not a safety issue, and that's the reason why I oppose the resolutions as they're worded. Thank you."

Representative Takai rose to respond, stating:

"Thank you, Mr. Speaker. First I'd like the words of the Representative from Mililani, as well as the words of the Representative from Lahaina entered into the Journal as if they were my own. And I'd like permission to insert written comments in opposition.

"Thank you. I just wanted to mention just a few things. I am in public health. I got my Masters in Public Health, I'm a Preventive Medical Officer in the military. The reason why I'm concerned about these two resolutions is that I think we're putting focus on something that really doesn't need to have any attention placed on it. By doing this, Mr. Speaker, I think we send a very strong message out to the community, and the message is not a good one for our milk industry and for milk. I have talked to the introducers of these two measures, and I asked them, if they are so concerned about it, whether they would consider just writing a letter with the last "Be it resolved," or the second to last "Be it resolved," in the letter,

requesting some guidance from the US Department of Agriculture and other people on the mainland that have this expertise.

"It is true; no one came to the hearing and testified against the measure. It is not true to say that no one testified against the measure, and there's a big difference, in the eyes of the Vice Chair, I understand that. But in my eyes, written testimony in opposition from the Department of Agriculture and the Department of Health and from a few other people, is testimony against the measure.

"So I caution our Members and I really urge them to take a look at this, because my biggest concern is that we send a signal, not only to our residents here in Hawaii, but residents throughout the nation, that Hawaii is looking at their milk situation.

"And by the way Mr. Speaker, the fact that our milk takes so long to come from the mainland is not a reason to be concerned. There are many milk products, including milk itself, sitting on shelves for months. Next time you go to a grocery store, do us a favor and look at the milk products. I'm not even going down the road of yogurt and all those, but just the milk products. And look at the expiration dates of those products on the shelves. We're worrying about something, Mr. Speaker, that I fear will turn into something much greater than what these two measures attempt to address. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in opposition of these measures. Present regulations and practices on pasteurized milk shipped to Hawaii from the mainland already protect human health. To my understanding, the State Milk Control Act only deals with the financial interests and rules of commerce between the dairy farms and milk plants through a quota system, and the amount of milk exported/imported into and out of the State.

"The Act is not the only relevant law. The United States Public Health Services (USPHS) and the U.S. Food and Drug Administration's (FDA's) recommend Grade "A" Pasteurized Milk Ordinance (PMO) is the basic standard governing the processing, packaging, and sale of grade "A" milk and milk products. Hawaii is a voluntary participant of the National Conference on Interstate Milk Shippers (NCIMS) program and uses the current PMO.

"The PMO is incorporated by reference in Federal specifications for procurement of milk and milk products and is recognized by the Public Health Agencies, the milk industry, and many others as the national standard for milk sanitation. In practice, the shipping of bulk milk from the mainland and the subsequent re-pasteurization and packaging of the milk in Hawaii meets and follows all guidelines, rules and interpretations regarding the safety of the milk.

"Temperature controls, and the required written records are in place that assure that the temperature and integrity of the milk is maintained 100% of the time from when it leaves the dairy farm on the mainland until it gets to the milk plant in Hawaii. Every single bulk tank of milk is temperature checked and recorded by the milk plant. All bulk shipments that arrive to the local milk plant are rejected if the temperature of the milk is above 45 degrees Fahrenheit. All holding and processing temperatures of every drop of milk in production can be traced due to strict record keeping requirements.

"'Spoiled' milk is not defined, and even taken in lay sense; 'spoiled' milk is a quality issue and not a safety issue. Spoilage organisms are typically not pathogenic or disease causing and merely cause the milk to go sour, as in yogurt or buttermilk. In fact, pathogenic organisms have difficult time competing with spoilage organisms because as the milk goes sour, the pH lowers (becomes more acidic) and the milk actually becomes safer from that standpoint of pathogen growth.

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

Representative B. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support. Very briefly, I will reserve all of my supportive comments until these resolutions actually reach its near final stages since it's continuing on to Consumer Protection & Commerce and if at that time it continues to move, and if at that time it becomes an official resolution, then at that point I will have further comments. Thank you."

Representative Yamane rose to respond, stating:

"Rising in opposition for the second time. I do understand this is a resolution and it will go to the next Committee, which I hope will have the insight to understand the impact of this bill.

"But I wanted to rise to clarify a few things. Again ..."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. Just to correct the prior speaker, it's not a bill. It's a resolution."

Representative Yamane continued, stating:

"Excuse me for that. I'm no lawyer so I get those two mixed up. And I don't get paid very well. But on a serious note, these resolutions, Majority Floor Leader ..."

Speaker Say: "Majority Leader."

Representative Yamane: "Majority Leader. Excuse me. I'm just digging a hole.

"But in all seriousness again, if this was a health and safety issue, these resolutions then should have been referred to the Committee on Health if there was an issue about safety regarding the standards and the quality of milk. Please understand that milk that is brought here locally from places like Meadow Gold Dairies who also does Foremost, are brought here and repasteurized here, unlike some of the other milks that are brought straight and placed into the supermarkets.

"Mr. Speaker, these resolutions are not addressing the issue about safety. This impacts our local dairies, our local employees, our local unions like Teamsters that actually negotiated their contract with Meadow Gold. This affects local people, local jobs.

"So you can fool yourself by saying this is an issue of standard of quality, okay. But Members just be aware that this is impacting and targeting dairies by saying that they're unsafe. What's next, Mr. Speaker? Milk is brought over in temperature-controlled canisters. What are we going to do next? Let's monitor water. What about air as was mentioned earlier. Thank you, Mr. Speaker."

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

Representative Har rose in opposition to both measures and asked that the remarks of Representatives McKelvey, Yamane and Takai be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of both measures 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 stand in support with reservations of H.R. 31 – which urges the United States Department of Health and Human Services and to ascertain the safety of repasteurized unrefrigerated milk shipped to Hawaii from the Mainland.

"The health of our State's citizens is an important matter. It is vital that there is no bacterial matter in our shipped milk, however, based on a study by the Department of Health that looked at shipped pasteurized milk, they found that "milk in Hawaii meets and follows all guidelines, rules and interpretations regarding the safety of milk." Not only is the Department of Health opposed to this measure, the Department of Agriculture and the Farm Bureau have also expressed reservations regarding this bill. Thank you."

Representative Ito rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Awana rose in opposition to both measures and asked that the remarks of Representatives Takai, McKelvey and Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Chang rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Sagum rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Karamatsu rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

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

"Thank you, just note my reservations and as a member of the CPC Committee, I look forward to some interesting debate there. Thank you."

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

"Yes, reservations and I will look for this in CPC. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 31, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF REPASTEURIZED UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND," was referred to the Committee on Consumer Protection & Commerce, with Representatives Awana, Chang, Finnegan, Hanohano, Har, Ito, Karamatsu, McKelvey, Rhoads, Sagum, Takai, Ward and Yamane voting no, and with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 72, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND STATE DEPARTMENT OF HEALTH TO ASCERTAIN THE SAFETY OF REPASTEURIZED UNREFRIGERATED MILK SHIPPED TO HAWAII FROM THE MAINLAND," was referred to the Committee on Consumer Protection & Commerce, with Representatives Awana, Chang, Finnegan, Hanohano, Har, Ito, Karamatsu, McKelvey, Rhoads, Sagum, Takai, Ward and Yamane voting no, and with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Chang, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 439-10) recommending that H.R. No. 9, be adopted; and

(Stand. Com. Rep. No. 440-10) recommending that H.C.R. No. 18, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 9, and H.C.R. No. 18, be adopted, seconded by Representative Evans.

Representative Takai rose in support of both measures 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 these resolutions. The purpose of these resolutions is to proclaim strong support for the Cancer Research Center of Hawaii.

"It is estimated that 1,300,000 people in the United States will be diagnosed with cancer this year. It is also estimated that 5,000 of these individuals will be from Hawaii. The mission of the Cancer Research Center of Hawaii is to reduce the burden of cancer through research, education and outreach. Its emphasis has been on the unique ethnic, cultural and environmental characteristics of Hawaii and the Pacific.

"The Cancer Research Center of Hawaii is one of only sixty-five National Cancer Institute designated centers in the United States. It is the only designated cancer center in Hawaii. A state-of-the-art cancer research facility in Hawaii will not only benefit our citizens, but will also attract and retain top tier researchers, physicians and students to the State.

"Our citizens deserve first-class, state-of-the-art care that is delivered in these islands by researchers and health care professionals who have a constant eye on our own people. For these reasons, I support these measures and urge my colleagues to do the same. Thank you."

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of H.R.9 and H.C.R.18, Relating to the Cancer Research Center of Hawaii. In November of 2009, the University of Hawaii announced plans to build a new cancer research facility in Kakaako, with construction expected to begin this year. Mr. Speaker, even during these tough economic times we must find the means to support noteworthy causes and potentially life-saving programs. We do this for the millions who suffer from this devastating disease and the millions of lives that have been impacted by the loss of a loved one, not only in Hawaii but around the world.

"Hawaii has the rare opportunity to be at the forefront of innovative and cutting-edge cancer research, being that it is one of only 65 National Cancer Institute designated centers in the United States. The future facility in Kakaako will more than pay for itself through research grants and by attracting more of the best and brightest to our State. No longer will residents have to travel to receive treatment, it is my hope that in the near future people will travel to Hawaii because of the advances made by the Center here.

"Mr. Speaker, as you are aware, this is an issue that I am very passionate about because of the recent death of my father, due to his prolonged fight with pancreatic cancer. As his caretaker, not only was it heartbreaking to see him go through a losing battle, but frustrating as a legislator, not to be able to do anything about it.

"For these reasons, I strongly support these resolutions and urge the University of Hawaii to start construction of the new Center as soon as possible. Thank you, Mr. Speaker."

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

"Mr. Speaker, on Stand. Com. Reports 439 and 440, I request a ruling on potential conflict. At my law firm, my law firm represents somebody that is contesting and in litigation with UH over this Center but I'm not involved on that case," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused; and

H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 441-10) recommending that H.R. No. 26, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 442-10) recommending that H.C.R. No. 67, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT PROMOTES JOBS AND INNOVATIVE ENERGY DEVELOPMENT, HEIGHTENS NATIONAL ENERGY AND ECONOMIC SECURITY, POSITIONS THE UNITED STATES TO BE AN INTERNATIONAL LEADER IN THE FIELD OF CLEAN ENERGY, AND ADDRESSES THE CONSEQUENCES OF CLIMATE CHANGE WITHOUT PREEMPTING STATES' RIGHTS TO CONTROL EMISSIONS AND TO PROMOTE RENEWABLE ENERGY," was adopted, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

THIRD READING

H.B. No. 2546:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 2546, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Third Reading by a vote of 45 ayes, with Representatives Berg, M. Lee, Nishimoto, M. Oshiro, Pine and Souki being excused.

At 2:10 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 2546

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 46 through 51) and concurrent resolutions (H.C.R. Nos. 95 through 100) were referred to Printing and further action was deferred:

H.R. No. 46, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE AN ENVIRONMENTAL ASSESSMENT FOR ANY PROJECT OR POTENTIALLY HARMFUL ACTION THAT WOULD NEGATIVELY IMPACT THE NATURAL RESOURCES OF HAWAII KAI DRIVE WETLAND AND SPRING AND THE HAWEA HEIAU AREA IN HAWAII KAI, OAHU," was jointly offered by Representatives Berg, C. Lee, Belatti and Hanohano.

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO RECOGNIZE THE EXECUTIVE DEPARTMENT THAT MAKES THE GREATEST REDUCTION IN ENERGY CONSUMPTION," was offered by Representative Wooley.

H.R. No. 48, entitled: "HOUSE RESOLUTION ENCOURAGING ALL BUSINESSES AND COMMERCIAL ESTABLISHMENTS IN THE STATE OF HAWAII TO CONSERVE ENERGY BY TURNING OFF ALL LIGHTS AFTER BUSINESS HOURS," was offered by Representative Wooley.

H.R. No. 49, entitled: "HOUSE RESOLUTION STRONGLY URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY OF HONOLULU TO HONOR ACT 15 OF THE 1921 TERRITORIAL LEGISLATURE BY PRESERVING THE WAIKIKI WAR MEMORIAL NATATORIUM IN ITS ORIGINAL LOCATION ON THE WAIKIKI SHORE," was jointly offered by Representatives Ching, Hanohano, Marumoto, Chang, Finnegan, Herkes, Pine and Ward.

H.R. No. 50, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR AND THE DIRECTOR OF HEALTH TO SUPPORT ADEQUATE FUNDING FOR THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was jointly offered by Representatives Ching, Aquino, Hanohano, Morita, Chang, Finnegan, Herkes, M. Lee, Pine and Ward.

H.R. No. 51, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND OTHER STATE AGENCIES RECOGNIZE THE IMPORTANCE OF AND ASSIST IN THE PRESERVATION OF THE NU`UANU `AUWAI SYSTEM," was jointly offered by Representatives Ching, Hanohano, Marumoto, Aquino, Chang, Finnegan, Herkes, M. Lee, Morita, Pine and Ward.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REQUIRE AN ENVIRONMENTAL ASSESSMENT FOR ANY PROJECT OR POTENTIALLY HARMFUL ACTION THAT WOULD NEGATIVELY IMPACT THE NATURAL RESOURCES OF HAWAII KAI DRIVE WETLAND AND SPRING AND THE HAWEA HEIAU AREA IN HAWAII KAI, OAHU," was jointly offered by Representatives Berg, C. Lee, Belatti and Hanohano.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO RECOGNIZE THE EXECUTIVE DEPARTMENT THAT MAKES THE GREATEST REDUCTION IN ENERGY CONSUMPTION," was offered by Representative Wooley.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ALL BUSINESSES AND COMMERCIAL ESTABLISHMENTS IN THE STATE OF HAWAII TO CONSERVE ENERGY BY TURNING OFF ALL LIGHTS AFTER BUSINESS HOURS," was offered by Representative Wooley.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY OF HONOLULU TO HONOR ACT 15 OF THE 1921 TERRITORIAL LEGISLATURE BY PRESERVING THE WAIKIKI WAR MEMORIAL NATATORIUM IN ITS ORIGINAL LOCATION ON THE WAIKIKI SHORE," was jointly offered by Representatives Ching, Hanohano, Marumoto, Finnegan, Herkes, Pine and Ward.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE DIRECTOR OF HEALTH TO SUPPORT ADEQUATE FUNDING FOR THE LANAKILA MULTI-PURPOSE SENIOR CENTER," was jointly offered by Representatives Ching, Aquino, Hanohano, Morita, Chang, Herkes, M. Lee, Pine and Ward.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND OTHER STATE AGENCIES RECOGNIZE THE IMPORTANCE OF AND ASSIST IN THE PRESERVATION OF THE NU`UANU `AUWAI SYSTEM," was jointly offered by Representatives Ching, Hanohano, Marumoto, Aquino, Chang, Finnegan, Herkes, M. Lee, Morita, Pine and Ward.

ADJOURNMENT

At 2:10 o'clock p.m. on motion by Representative Evans, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon Friday, February 26, 2010. (Representatives Berg, Chang, M. Lee, Nishimoto, M. Oshiro, Pine, Sagum and Souki were excused.)