

## THIRTY-EIGHTH DAY

**Wednesday, March 24, 2010**

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2010, convened at 12:08 o'clock p.m., with Vice Speaker Magaaoay presiding.

The invocation was delivered by Pastor Randy Furushima, Academic Vice President of the Pacific Rim Christian College, after which the Roll was called showing all Members present with the exception of Representatives Belatti, Chang and Say, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 216 and 217) were received and announced by the Clerk:

Gov. Msg. No. 216, informing the House that on March 23, 2010, the following bill was signed into law:

S.B. No. 2602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES." (ACT 009)

Gov. Msg. No. 217, dated March 18, 2010, requesting emergency appropriations of \$40,000,000 in general funds and a matching \$80,000,000 in federal Medicaid funds for FY 10 to address a funding shortfall in the Medicaid program, and that an offsetting reduction be made by amending Act 162, SLH 2009, to reduce the HMS 401 budget by \$40,000,000 in general funds for FY 11, and that the Legislature identify a suitable bill to insert these provisions. [Note: See S.B. No. 1178]

## INTRODUCTIONS

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

Representative Pine, on behalf of Representative Cabanilla and herself, introduced Ewa Beach homeschoolers visiting the Capitol:

Ms. Valerie Fernandez with children, Rachel and Jerad;  
Ms. Jessica Ka'auwai with children, Gabbie, Charles, Dustin and Ellie;  
Ms. Simone Carges with children, Shoshana and Noah;  
Ms. Marisol Pena with children, Christina and Daniel;  
Ms. Judy Wood with children, Anna and Rebecca;  
Ms. Teresa Heyer with children, Vanessa and Travis.  
Ms. Rhonda Stoltzfus with children, Emma, Morgan and Simon; and  
Ms. Tara Qalo with children, Shekinah and Destiny.

Representative Evans introduced members of the Hawaii Farmers Union participating in Agriculture Sustainability Day: Vice President, Ms. Lydi Morgan; Secretary, Ms. Ramona Hiilawe Gamayo; and members, Ms. Pamela Boyar, Mr. Travis Overly, Mr. Jay Ogden, and Ms. Annie Suite. They were accompanied by legislative staff Mr. Baron Gushiken.

Representative Ching introduced her niece, Ms. Lauren Day; and her daughter, Miss Anna Lauren Lerner. They were accompanied by legislative staff, Ms. Elise Anderson.

## ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS  
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 269) was announced by the Clerk and the following action taken:

H.R. No. 269, entitled: "HOUSE RESOLUTION HONORING PASTORS ELWIN P. AHU AND ROY YAMAMOTO JR. FOR THEIR SUCCESSFUL LEADERSHIP OF, AND DEDICATION TO, THE NEW HOPE CHRISTIAN FELLOWSHIP," was offered by Representative Awana.

Representative Awana moved that H.R. No. 269 be adopted, seconded by Representative Hanohano.

Representative Manahan introduced Pastor Elwin P. Ahu who was seated on the Floor of the House, and commended him for his devotion to serving others and leading a purposeful life.

Representative Awana introduced Pastor Roy Yamamoto, Jr. who was seated on the Floor of the House, and thanked him for his dedication as Prison Ministry Pastor and outreach to serve inmates, as well as their families.

Representative Awana then introduced Mr. Yamamoto's daughter, Ms. Kristin Yamamoto who was seated in the Gallery, as well as the many friends, family and volunteers of New Hope Fellowship also seated in the Gallery:

Mr. Ryan Tsuji;  
Ms. Jana Alcaín;  
Ms. Laure Adaro;  
Ms. Arlene Iwano;  
Ms. Donna Mae Katsura;  
Ms. Laurie Komeji;  
Ms. Charlotte Skanning;  
Mr. Eun Ho Lee;  
Mr. Chad Brownstewin;  
Mr. Tim Savage;  
Mr. Makana;  
Mr. Dean Ito;  
Mr. Johnston Kapua;  
Mr. Tony Lee;  
Ms. Candace Francis;  
Mr. Blane Chong; and  
Mr. Tom Sing.

Representative Ward also commended Pastor Elwin and Pastor Roy for being inspirational role models.

Representative Ching also thanked the honorees for their work in serving our communities.

Vice Speaker Magaaoay also expressed his congratulations to Pastor Roy.

The motion was put to vote by the Chair and carried, and H.R. No. 269 was adopted, with Representatives Belatti, Chang, Nakashima, Saiki and Say being excused.

The following resolution (H.R. No. 270) was announced by the Clerk and the following action taken:

H.R. No. 270, entitled: "HOUSE RESOLUTION COMMENDING PAST AND PRESENT WORKERS OF THE FILM OFFICE OF THE STATE OF HAWAII DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," was jointly offered by Representatives McKelvey and Choy.

Representative McKelvey moved that H.R. No. 270 be adopted, seconded by Representative Evans.

Representative McKelvey recognized the efforts of Hawaii Film Office, and commended the staff members' dedication to developing the film industry as an economic engine in our State.

Representative McKelvey then introduced Ms. Donne Dawson, former Film Office Manager who was seated on the Floor of the House.

Representative Evans then introduced additional honorees seated on the Floor of the House:

Ms. Charlene "Chuckie" Kwak, retired Film Branch Secretary;

Mr. Brent Anbe, and Mr. Kevin Inouye, former Film Industry Specialists; and

Ms. Sandi Ichihara-Abe, Senior Film Industry Specialist.

Representative Choy then introduced family, friends and supporters who were seated in the Gallery:

Ms. Dawson's mother, Ms. Beadie Kanahale Dawson; and friend, Ms. Carol Lee Arnold;

Mr. Bill Meyer, Entertainment Attorney with Dwyer Schraff Meyer Grant & Green;

Mr. Sean Shodahl of the Hawaii International Film Festival;

Mr. Anbe's mother, Ms. Amy Anbe; aunt, Ms. Jane Uesugi; niece, Ms. Jazlin Chang; and friend, Ms. Thea Matsuda;

Ms. Ichihara-Abe's husband, Mr. Erik Abe;

Mr. Dave Rosen, President of Shooters Film; and their staff, Mr. Darrin Kaneshiro, Mr. Gerard Elmore, and Ms. Lauren Inake;

Mr. Jason Suapaia, President of 1013 Integrated; and

Mr. Nathan Kurosawa, independent filmmaker and writer/director of "The Ride."

Representative Karamatsu expressed his appreciation to the Film Office for their work in making Hawaii competitive internationally in the film industry.

Representative Yamane as a former Chair of Tourism, and on behalf of the current Tourism Chair, thanked the staff of the Film Office for their role in the growth of the film industry in Hawaii, and the economic impact that it has had.

Representative Ching also thanked the staff of the Film Office for their understanding and expertise of the film industry.

Vice Chair Magaoy offered his appreciation on behalf of his sister who has worked on film projects with members of the Film Office staff.

The motion was put to vote by the Chair and carried, and H.R. No. 270 was adopted, with Representatives Belatti, Berg, Chang and Saiki being excused.

At 12:41 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m., with the Speaker presiding.

#### STANDING COMMITTEE REPORTS

At this time, the Chair announced:

"With your indulgence, because pages 2 through 15 of the Order of the Day will be referred to other Committees, if you have any comments that you'd like to make, I ask that it be inserted in the Journal at this point in time as we go through the pages. This is so we can meet our deadline, and also to meet the farmers up at the Fourth Floor, for those of you who have not attended the Farm Bureau presentations today."

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

(Stand. Com. Rep. No. 931-10), recommending that H.R. No. 148, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 932-10), recommending that H.C.R. No. 219, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 148, HD 1, and H.C.R. No. 219, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Finnegan's written remarks are as follows:

"I rise in strong opposition to HR 148 and HCR 219. These resolutions require the Department of Human Services to delay the implementation of the Eligibility Processing Operations Division (EPOD) system which will ultimately save the State millions in tax dollars.

"First and foremost, if government has the ability to provide better services by improving its programs, then it should do so for the sake of the citizens that it serves. Second, if the State can streamline and save money by implementing new programs, then it should do so in order to ensure a fiscally responsible government. In times of economic recession, it is irresponsible for the government to spend money it does not have.

"We have been presented with the opportunity to reinvent government with a new system that like any new program, will take some time to get used to, but will ultimately yield positive results for those individuals who receive benefits. Why should we continue to make people wait in long lines and inefficiently process individuals, when we have an opportunity to improve the delivery of services? It is unfortunate that positions must be cut, but we must reinvent government. Fiscal realities leave us with no other choice; we cannot continue to employ individuals who are no longer needed. It is unfair to force taxpayers to foot the bill for a bloated and inefficient bureaucracy."

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

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 rise with reservations to H.R. 148 and H.C.R. 219 - Directing the Department of Human Services to Stop its Proposed Reorganization of the Benefits, Employment, Support Services and Med QUEST Divisions until a Legislative Task Force Evaluates the Proposal.

"While I see the benefits of a task force weighing the proposed changes, DHS has found a need to reform a part of its Department, and I believe we should allow them to do so in a timely manner. I believe change and reform are necessary at this time, and I worry that this task force will slow down the changes and reforms being proposed by DHS. Also, my hope is that the task force is conducted in a fair and bipartisan manner and that we can look at the task force findings with an open-mind. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 148, HD 1, entitled: "HOUSE RESOLUTION DIRECTING THE DEPARTMENT OF HUMAN SERVICES TO STOP ITS PROPOSED REORGANIZATION OF THE BENEFITS, EMPLOYMENT [sic], SUPPORT SERVICES AND MED QUEST DIVISIONS UNTIL A LEGISLATIVE TASK FORCE EVALUATES THE PROPOSAL," was referred to the Committee on

Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 219, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DIRECTING THE DEPARTMENT OF HUMAN SERVICES TO STOP ITS PROPOSED REORGANIZATION OF THE BENEFITS, EMPLOYMENT [sic], SUPPORT SERVICES AND MED QUEST DIVISIONS UNTIL A LEGISLATIVE TASK FORCE EVALUATES THE PROPOSAL," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 933-10), recommending that H.R. No. 79, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 934-10), recommending that H.C.R. No. 138, 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. 79, and H.C.R. No. 138, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations 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. 79, entitled: "HOUSE RESOLUTION URGING CONDOMINIUM ASSOCIATIONS AND PLANNED COMMUNITY ASSOCIATIONS TO MINIMIZE MAINTENANCE FEES AND DUES," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONDOMINIUM ASSOCIATIONS AND PLANNED COMMUNITY ASSOCIATIONS TO MINIMIZE EXPENSES TO REDUCE THE NEED TO INCREASE MAINTENANCE FEES AND DUES," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 935-10), recommending that H.R. No. 62, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 936-10), recommending that H.C.R. No. 114, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 62, HD 1, and H.C.R. No. 114, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

Representative Brower's written remarks are as follows:

"My Resolutions simply ask the Department of Land & Natural Resources (DLNR), the Hawaii Public Housing Authority (HPHA) and its contractors, and any other appropriate State agency to work together to identify land in Hawaii that could be used for a safe zone.

"Homeless individuals need a place to sleep at night. Despite vacancies in our shelters, they are illegally camping on public and private property. Their scattered locations make it difficult for homeless service providers to get to them. Homeless safe zones would designate land for homeless individuals to stay at night with their tents in a reasonably safe and supervised setting.

"There are private organizations that are willing to provide this type of service to the homeless – some may be able to provide this service on their own property.

"Provider agencies may also use grant or other funds to rent the property or lease or contract with the Department of Land and Natural Resources (DLNR) to use available public lands.

"We currently envision an open land space with a few amenities. Homeless safe zones established by the provider agency would, at a minimum, provide basic sanitary facilities (such as porta-potties) and a place for the homeless to sleep, but may or may not offer the protection of a security guard.

"As the process moves on, the homeless safe zone could be modified as needed."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 62, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ESTABLISH HOMELESS SAFE ZONES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 937-10), recommending that H.C.R. No. 262, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 938-10), recommending that H.C.R. No. 139, 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. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 939-10), recommending that H.C.R. No. 173, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 173, be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATIONAL DISASTER PREPAREDNESS TRAINING CENTER AT THE UNIVERSITY OF HAWAII AT MANOA TO PREPARE A REPORT ON THE CIVIL DEFENSE PREPAREDNESS RESPONSE TO THE FEBRUARY, 2010 TSUNAMI THREAT," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 940-10), recommending that H.R. No. 100, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 941-10), recommending that H.C.R. No. 162, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 100, and H.C.R. No. 162, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

"Mr. Speaker, I am in support of HR100 and HCR162. The programs which prepare soon-to-be-released prisoners to deal with parenting issues will benefit Hawaii as a whole. The difficulties associated with reintegration create long lasting problems which we as a State then have to remediate. Demanding that the Department of Public Safety take on this task is the right thing to do for our families, communities and future."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 100, entitled: "HOUSE RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF EDUCATION TO INCARCERATED PARENTS TO ENSURE CHILD SUPPORT ISSUES ARE ADDRESSED WITHOUT DELAY AND UPON RELEASE, TO PREPARE THEM FOR REINTEGRATION WITH THEIR CHILDREN AND FAMILIES, INCLUDING GRANDPARENTS WHO HAVE RAISED THEIR CHILDREN," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented two reports:

(Stand. Com. Rep. No. 942-10), recommending that H.R. No. 120, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 943-10), recommending that H.C.R. No. 187, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 120, and H.C.R. No. 187, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her 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. 120, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 944-10), recommending that H.R. No. 121, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 945-10), recommending that H.C.R. No. 188, 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. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FACILITATE THE DELIVERY OF THE HUIKAHI RESTORATIVE CIRCLES PROGRAM IN HAWAII CORRECTIONAL FACILITIES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 946-10), recommending that H.R. No. 88, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT," was referred to the Committee on Judiciary, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 947-10), recommending that H.C.R. No. 149, be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R.

No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO REPORT TO THE LEGISLATURE ON THE PROBABLE IMPACT OF SENTENCING NONVIOLENT DRUG OFFENDERS TO TREATMENT INSTEAD OF IMPRISONMENT," was referred to the Committee on Judiciary, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Hanohano and McKelvey, for the Committee on Public Safety and the Committee on Economic Revitalization, Business, & Military Affairs presented two reports:

(Stand. Com. Rep. No. 948-10), recommending that H.R. No. 123, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 949-10), recommending that H.C.R. No. 190, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 123, and H.C.R. No. 190, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. I stand with reservations on Stand. Com. Rep. Nos. 948 and 949 please, and would like to submit written comments. Almost a no vote in fact."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I am presenting written comments in opposition [*sic*] to HR 123 and HCR 190, urging the National Guard Hawaii Youth Challenge program to consider alternative sites for its program activities on the Island of Hawaii.

"The Hawaii Youth Challenge program helps at-risk kids succeed in various aspects of their life by providing them with academic support and job skills training, and by teaching them other valuable life skills. The Kulani site that the program currently makes use of, has all the facilities that the program needs. Other surveyed sites surveyed don't, and would impair the program's mission. For these reasons, Mr. Speaker, I oppose HR 123 and HCR 190."

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

"Yes, reservations for me as well, and I would like to use the written comments of the previous speaker as my own," and the Chair, "so ordered." (By reference only.)

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

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

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations 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 Committees were adopted and H.R. No. 123, entitled: "HOUSE RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL GUARD HAWAII YOUTH CHALLENGE PROGRAM TO CONSIDER ALTERNATIVE SITES FOR ITS

PROGRAM ACTIVITIES ON THE ISLAND OF HAWAII," was referred to the Committee on Finance, with Representative Finnegan voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 950-10), recommending that H.R. No. 236, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 236, HD 1, entitled: "HOUSE RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 951-10), recommending that H.C.R. No. 289, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 289, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 952-10), recommending that H.R. No. 25, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 25, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 953-10), recommending that H.C.R. No. 65, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS," was referred to the Committee on Tourism,

Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 954-10), recommending that H.R. No. 15, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 15, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 955-10), recommending that H.C.R. No. 53, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 53, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 956-10), recommending that H.C.R. No. 200, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 200, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.C.R. 200 – which requests the Legislative Reference Bureau to study the feasibility of establishing a state-owned bank.

"I believe the State should restrain itself in encroaching on what should properly be the private sector. As stated in testimony from the Department of Commerce and Consumer Affairs, "...it should be noted that the banking and financial services landscape in [North Dakota] is far different than that which prevails in Hawaii... The Bank of North Dakota serves as a 'central bank' for these smaller organizations, providing clearing and payment services, settlement programs and other correspondent banking services, which the larger Hawaii banks either do not need or which they already obtain elsewhere."

"Our State cannot afford to convene a study on an issue that is most not likely beneficial to our State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE-OWNED BANK," was referred to the Committee on Finance, with Representative Ching voting no, and with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 957-10), recommending that H.R. No. 205, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 205, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes I would like to register a no vote on Stand. Com. Rep. No. 957 and may I just say a couple of sentences? And I'll be quick. This basically establishes policies for all the video that we do here in the House of Representatives. And the reason I've changed my support for this measure is because the public has been telling me that this building does not really open access to what we do here, and that's their opinion.

"And there's a section in this resolution, and this is something that we've always supported, but it basically says that only bona fide news organizations and educational institutions should be authorized to use the material that we see here. As you know, this really limits access to the public from what we do here.

"Some of them don't know when some of the programming is going to be on television. And I believe that as this goes to Finance we should make a statement that the House of Representatives in the State of Hawaii is different than other government agencies. That we believe that government is best when the people have access to information.

"And so I hope that we can change that and allow the public to come and have access because they actually own the video. We keep forgetting that we don't own this building. We don't own the video. The taxpayers who paid for this building, pay for our salaries, and pay for the video – they own the video. And so let's try to change that to make them have access to that."

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

"Mr. Speaker, I rise in opposition for three reasons. Very briefly, and because I heard the farmers have already gone back to their flocks and their thing, so we don't have to rush too much.

"The first issue is the access issue. Mr. Speaker, I've said on this Floor many times and spoke with the vision that unless we push this down the road to be a C-SPAN, we're fooling ourselves. So it's access. We have too little of it.

"And the other issue is the approval process. Sometimes really heated hearings never get covered because of the approval process. And I know Mr. Speaker, you're a good judge of character and other issues, but you are only one person. It would be better if the decision making was like when we approve our mailings. There's a committee from the Minority and the Majority that says, 'Hey this is a good idea,' or 'This is not a good idea.' Having it just in the Speaker's Office I think is a little bit too unilateral.

"And lastly the ownership issue my colleague has just spoken of in terms of it belongs to the people. It's theirs. It's their taxes and it should be their property also. Thank you."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.R. 205 – which establishes policies for the legislative broadcast program's cablecasts of House of Representative's proceedings.

"While I understand the intention of this measure, in view of what has happened this year, whereby votes were miscounted on a Minority member's bill and the mistake only caught on Minority Caucus' cameras, it appears this subject needs revisiting. I enter into record the opinion article from the *Honolulu Advertiser* dated March 5, 2010 entitled, "Legislators: Stand up and be Counted" by Common Cause, League of Women Voters of Hawaii, and others.

"I feel we should protect the public's right to access and not curb in anyway the Minority's broadcast. The language of this measure does not adequately protect the rights of the Minority and seems questionable. People should be allowed to tape hearings or Floor sessions. The public should never be denied access in a place that belongs to them. Thank you."

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

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 957, in strong support. And I'd like to follow the rules, so I'm going to submit written testimony in favor of this. Thank you very much, Mr. Speaker."

Representative Tokioka's written remarks are as follows:

"Mr. Speaker, thank you for permission to insert written remarks in support of this measure, HR205 entitled, Establishing Policies for the Legislative Broadcast Program Cablecasts of House of Representatives' Proceedings, which I note has been adopted in substantially the same form since the project's inception in the mid-1990's.

"Written remarks have afforded me the opportunity to reflect on my colleagues' comments made during debate on this measure. And written remarks afford me the opportunity to correct erroneous statements, incorrect assumptions and illogical conclusions.

"I am surprised ... perplexed ... confused ... puzzled ... and mystified.

"SURPRISED at the comment from the Representative from Hawaii Kai bemoaning the level of access offered to our constituents. He mentions C-SPAN as an objective to achieve, and as a Neighbor Island Representative, I agree with him wholeheartedly. However in my 4 years sitting as a member of the House Finance Committee with the Hawaii Kai Representative, I do not recall any attempt on his part to increase the level of funding for the annual Legislative Broadcast appropriation of \$175,000 to be shared equally with the Senate. In fact, research indicates that this appropriation has not increased for the past 10 years, despite rising programming costs.

"For example, all statewide cable broadcasts are closed captioned to accommodate the hearing impaired. As you know Mr. Speaker, closed captioning services are not free, and have increased the hourly rate of program preparation and recording services substantially. Despite increased project costs, it was the right thing to do to assist Hawaii's very active hearing impaired community remain involved in the lawmaking process here at the Capitol, especially during these difficult economic times.

"PERPLEXED at the comments from the Representative from Ewa Beach documenting her concerns of a lack of: (1) access to programming material, and (2) information disseminated to the public about programming.

"Any member of the public, which also includes people in the Capitol Building, can contact the House Clerk or the Legislative Broadcast Contractor, and request a copy of any project programming. In fact, the Contractor's DVD request log on file with the House Clerk as of this date, indicates that House Minority staff has requested and received programming DVDs of hearings for the following dates:

January 5, 2010	January 8, 2010
January 11, 2010	January 13, 2010
January 19, 2010	January 20, 2010
January 21, 2010	January 22, 2010
January 27, 2010	January 28, 2010
February 18, 2010	February 22, 2010
February 23, 2010	February 24, 2010 [2 hearings]
February 25, 2010	March 2, 2010
March 3, 2010	March 4, 2010
March 18, 2010	

"I am also perplexed with that Representative's comment that some do not know when programming will be televised. On ALL House public and informational briefing notices the following advisory is included:

"Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" Web site at [www.capitoltv.org](http://www.capitoltv.org) or call 526-2100." In addition, for Capitol occupants, the Public Access Room emails broadcast and re-broadcast schedules on a regular basis for information and dissemination to interested constituents.

"CONFUSED by subsequent comments from the Representative from Ewa Beach recalling her days in the media industry and difficulties obtaining information. And she further notes that obtaining information could take months or years. Since she cites difficulties with the Bush Administration and the Obama Administration, I can only assume that she is referring to the Federal Freedom of Information Act [FOIA].

"The FOIA is NOT operative in the request and release of Legislative Broadcast programming recorded by the legislative Contractor. Chapter 92 of the Hawaii Revised Statutes, 'Public Agency Meetings, Records' is the operative statutory scheme, if copies of House public records are being requested. Clearly, Legislative Broadcast tapes or DVDs kept on file in the House Clerk's Office are public records.

"The House Clerk has assured me that any and all requests for legislative broadcast programming materials recorded by the Contractor are fulfilled according to statutory requirements and Office of Information guidelines. Contrary to that Representative's assertions that people cannot come to the Capitol to get a copy of legislative broadcast programming, anyone can request this information. Moreover, no fees are charged for this service.

"PUZZLED by the comments from the House Minority Leader concerning the taping of proceedings here at the Capitol. Any member of the public has a right to attend any legislative deliberation and decision making. And any member of the public can come to the Capitol and tape proceedings as long as the taping does not interfere with any others wishing to participate in the process, and does not obstruct the work of elected members.

"Public access to, and recording of, legislative proceedings by constituents are being juxtaposed with Legislative Broadcast activities and programming by the Legislative Contractor, Capitol TV, the current Legislative Contractor which was awarded the contract for broadcast services by the House and the Senate acting in concert during the procurement process. A 'Request for Proposals' was duly issued and all State procurement requirements were adhered to.

"All programming material recorded and stored for access belongs to the House and the Senate respectively on behalf of the public, as taxpayer dollars were used. And as a result I believe that the final programming product of the Legislative Contractor, which is subsequently submitted to the House Clerk and Senate Clerk, should NOT be used for campaign or commercial purposes – by people in this Building.

"On the other hand, while I am not an attorney or versed in intellectual property law, I believe that if a member of the public were to tape legislative broadcast programming aired on 'Olelo OUTSIDE this building, that would be permissible under "public domain" laws and policies.

"And finally, Mr. Speaker, I am totally MYSTIFIED with comments from the Representative of the Kaimuki-Kahala area alleging that programming from presumably, the House Chamber, somehow deletes, obscures or covers up actual votes on the House Floor. She goes further to raise First Amendment rights, presumably of the Members on the Floor when they speak or cast votes.

"The Legislative Contractor has confirmed that he produces 'gavel-to-gavel' programming for statewide viewing on 'Olelo, and he fully understands the legislative process and recognizes the significance of 'open voting.' He has advised me that during rollcall votes in Chamber, the voice of the House Clerk is clear for audio purposes and the closed captioning subcontractor, as the House Clerk uses her Chamber desk microphone. On the other hand, when Members cast their votes, Member voices are not audible as they do not turn on their Chamber desk microphones. In those instances, the closed captioning contractor may post an 'Inaudible' or 'Not Audible' message at the bottom of the screen for viewer clarification.

"On the days when the Legislative Contractor is not televising Chamber proceedings statewide, the House Sergeant-at-Arms offers Chamber telecasts for internal viewing in the Capitol, which I believe includes Executive offices on the 5th Floor. The Sergeant-at-Arms has assured me that he does not tamper with the audio portions of any proceedings he broadcasts – during the debate or the taking of votes.

"I can only surmise that the Representative from Kaimuki-Kahala is referring to the viewing of a "bootleg" tape of Chamber proceedings for her assertions.

"I would advise the Representative from Kaimuki-Kahala that if she wants her rollcall vote to be recorded, she should turn on her Chamber desk microphone when she casts her vote.

"Mr. Speaker, I hope I have clarified some incorrect statements or misrepresentations. As your Legislative Management Chair, I would be the first to admonish staff or contract staff if wrongdoing or unethical behavior is called to my attention. However, when the work of hard-working supportive staff is called into question unfairly, I must set the record straight. Thank you."

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

"Mr. Speaker, I rise in support. And I'll be extremely brief. I think that our current policies are very much about access. First, let me say that the issue about distribution that has been raised by the Minority Floor Leader is a misinterpretation of the actual provision, because what that's about is licensure.

"Actually, there are specific organizations that have a license to have their videotaped proceedings and they are the ones that actually own it. And so at that point, for us to interfere with the relationship in terms of who they want to distribute to, it really is up to them. What we're saying is for licensure purposes of educational organizations that are bona fide, as well as news organizations are those that we will say their licensure should actually continue onwards.

"But overall what I do want to say is, this House is extremely accessible. This House is subject to the Uniform Information Practices Act under Chapter HRS 92F. And so there's nothing that I know of that actually precludes access.

"And unfortunately, if the Minority is afraid of and does not want to read the existing law under 92F that's what I would suggest they do before they start characterizing what this resolution is about, which is merely about the policies that have already been in place, continue to be in place, and if they wanted to have it improved, what I would have suggested is that they actually be at the hearing and actually have been in the discussion before we move this on in decision making."

Representative Pine rose, stating:

"First, a point of personal privilege. I was just attacked for not being in the hearing. I had to vote in two places and I asked for them to wait for me and that was not done. I started the discussion, and then they told me not to discuss it at that time and to wait. Then I was called to another hearing to vote. Okay.

"In rebuttal now. Mr. Speaker, I am very aware, as a former journalist, of us having to give access to the public. This is what happens under that statute. You request information. This has happened to journalists right now. You request access information and it could take months to years for whoever, depending on the situation, to actually get the information.

"Let's use for example under President Bush's term, a lot of media requested access to information and they granted maybe a quarter of that, okay. Under the current Obama Administration, they are only granting maybe not even a fourth of what President Bush has granted in President Bush's whole term to the media. And so if you want to start going down that law, according to federal statute and state statute relating to access to

information. Imagine just a regular public person that does not have these licensing.

"What I'm saying is, let's make government more open. Let's show the people of Hawaii that you don't have to own a company to be able to know what happened in this building if you couldn't make it that day. They own this. Nobody else. And anyone from any type of organization should be able to come to the State Capitol and say, 'Hey, I missed that hearing. Could I get a copy?' And I apologize if I had misinterpreted some things in the resolution. Obviously, let's make it clearer so that even the public can understand. So if it is the intention of the House of Representatives to be open and give access, let's make this resolution say that, and do that."

The Chair then stated:

"Thank you, very much. I think the Committee on Finance will have an opportunity for this particular discussion. May we proceed on?"

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

"Thank you, Mr. Speaker. I did have some words please, in opposition. Thank you, Mr. Speaker. And with all due respect, I would like to disagree with the Majority Leader. I have read this resolution, and I read it multiple times because I actually signed on to the resolution last year and sat on the Committee.

"Unfortunately, there's really no one who testified on this, or are there people that you can ask questions of for this particular resolution. Let me just tell you. On one of the Whereas clauses in here it says, 'The legislative broadcast program is intended to increase public access to and participation in the legislative process.'

"What we have is a situation where, with all due respect Mr. Speaker, people have to go to you to be able to get approval of whether or not they can use the material that is recorded. So for instance, if I were a member of the public and I were to make a recording of this session that we're having right now, according to this resolution it says, ownership and use of programming tapes and cablecasts shall not be considered an official record of the meeting. It also says, 'tapes and cablecasts shall be considered the property of the House of Representatives.' I believe some of our people who work in our office have asked, 'What about the tape that we use for recording sessions or recording Committees,' and do the rules apply to those tapes of recordings that we do.

"So my guess is that this resolution also pertains to things that we've taped here on the session Floor or in Committee. Mr. Speaker, that means that if someone would like to get access to a part of, or a debate on the Floor that happens between two people on a particular bill, that is good information for them to know. What we were trying to do is provide access to that debate on say, a YouTube or something like that which is alternative media. People are at home at 12:00 at night coming home from work. They can see that debate. They can see the openness of this Legislature if we were to put that on YouTube. Mr. Speaker. We can't do that right now.

"Thank you, Mr. Speaker. I was actually not done yet. Can I submit more comments? Yes. Thank you."

Representative Finnegan's written remarks are as follows:

"I rise in opposition to HR 205. This resolution creates the possibility for the restriction of information coming from the Legislature, information that should be available for the public. By granting the Speaker of the House the absolute power to decide what material is made public, we take away the ability of providing our community with balanced information.

"Technology has advanced to the point where video recordings of our proceedings can be made available to all with tremendous ease. By mandating cumbersome requirements and not allowing clips and short segments with commentary to be made public, we take away an additional mechanism of ensuring accountability and checks and balances. Recordings such as the ones addressed in this resolution were solely



responsible for identifying an error in vote counts that initially denied the moving forward of a HB2311, a bill that ultimately passed out of the House unanimously. To deny the public all available forms of such information does a disservice to the people of this State."

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

"Thank you, Mr. Speaker. In opposition. My understanding is that when there is a vote on the Floor of the House of Representatives, the licensed entity that covers it goes to like a test pattern and does not cover the actual vote of our proceedings down here. And I would say that this was not in the best interest of openness. Not in the best interest of transparency. And not in the best interest of sunshine.

"And so I'm very concerned about our First Amendment rights. I feel that the public has a right to know what happens in this building especially when it comes to votes. I don't think we need any type of censorship so, I would urge caution on this. I have no way to stop this except to express my feelings in a no vote. Thank you."

Representative Tokioka rose to respond, stating:

"Thank you, Mr. Speaker. Again, in strong support. I'd just like to clarify a few comments that were made earlier by the Minority Leader and the Representative from Ewa Beach. In one of the comments, it was said that there was no one in that meeting to ask questions to, or testify. I would like to state for the record that the Chief Clerk was in the room at that time. There was testimony from the League of Women Voters in support. There was testimony from Common Cause with comments.

"There was another comment that was made by the Representative from Ewa Beach about not being able to vote. At no time at that meeting was I asked, as the Chair of the meeting, to wait for her to vote. So if she had made that comment, she had not asked me in that meeting. I'm not sure if she asked the Vice Chair of that meeting, but I just wanted to make it clear that we would have entertained that if the question was asked. Thank you very much, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. When I heard from the Minority Leader when she quoted from the second page, she quoted subsection number 5 and she tied that to some filming possibly, from people up in the Gallery. I don't read that into this resolution whatsoever, because if you looked at all the Whereas paragraphs and how it was framed, this is about the taxpayers who pay for what's called a Legislative Broadcast Program. We began that cable casting when the House of Representatives chose to do this on a pilot basis in 1994. What we did was we worked with 'Olelo Community Television to create this type of broadcast programming so people can view this.

"Now I think this policy is very appropriate because I know that in this House, when we want to send out newsletters and we're using taxpayer dollars, we actually run it through a Committee which we have the Minority and the Majority sitting on that Committee. And we want to make sure that when we're using taxpayer dollars, we're not using it for political or commercial purposes. And I think this is appropriate because basically we're mirroring that and saying like the newsletters, we want this Legislative Broadcast Program to make sure that there's a policy and review so that it's not being used inappropriately.

"But it really is about the House of Representative and their Legislative Broadcast Program through 'Olelo. It's not about all the other filming. I think that that's a misinterpretation of what this measure is trying to accomplish. Thank you, Mr. Speaker."

Representative Ward rose, stating:

"Will the Majority Leader yield to a question? The question is, is there a role for the Minority in the media policy of this House of Representatives? If so, why so? If not, why not?"

Representative B. Oshiro responded, stating:

"When you talk about the media policy, can you please refer to the House Rules or the House Financial Manual?"

Representative Ward: "The House Rules incorporated as the resolution, as well as that which is written in the Rules. Both."

Representative B. Oshiro: "Currently in the House Rules, there is no media policy. As far as the Financial Manual, I don't believe that there is a media policy.

"There is a policy that was issued on social networking. There is a policy that we have declared on certain things dealing with the media when it comes to the news media. But in terms of anything else, this is what we have before us."

Representative Ward: "The question is, is there a role for the Minority in this Body to speak to the public vis-à-vis this reso? Is there any role for the Minority in this reso? That's the question."

Representative B. Oshiro: "I believe you have it right now. Aren't you speaking? Thank you."

Representative Ward: "And that's as far as it goes."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I appreciate the ability to speak a second time. Just for some clarification. I do want to make a clarification because the Majority Floor Leader, I don't think heard what I was trying to say when I explained my concerns about this particular resolution.

"If she was listening to what I was saying, the ownership and the use of programming, I was specifically talking about the taxpayer dollars that are used when you record it, according to these cablecasts from 'Olelo internally, the reso that we're on, when you record that. You set your DVD player. You record that onto a DVD, but you're still recording the cablecast that is being addressed in this reso. So I think it's very much so in line with what we're talking about, because that recording is owned by the House of Representatives and therefore would go through you for approval if we needed to use that, or if we wanted to use that.

"Mr. Speaker, the other things that are not clear in this reso is that political or commercial use of this material is prohibited. We have to define political. What is political? Because if you have a disagreement, many people call that political. So if you have a disagreement and you're debating, what we're doing right here, people call it politics. People call it political all the time. So basically it's saying, you, somebody could interpret this, and they do. No. That's political. So that's why it's difficult to see. Are we really curbing access, public access, to what we do here at the Capitol.

"A lot of the times what you have are people who want to engage, but there's apathy out there because they don't know what we do, unless we come to their terms. And the alternative media sites, YouTube and all those things, allow us to do that. To go on their time to be able to catch up with what's going on here at the Capitol. To hear it from our voices, from our mouths.

"Mr. Speaker, I wanted to clarify another thing that the Majority Floor Leader said. She talked about the newsletter and how we have a great process. Well that, according to what my colleague here from Hawaii Kai was saying, that in the newsletter process, it doesn't say, 'Speaker shall determine and review the newsletter.' In that process it states that there is the Minority Leader, the Majority Leader, and the Speaker that takes a look at this material.

"So when we talk about this particular program, it really is not looking at this as saying how we don't have enough access out there or anything like that. What it truly is about is what kind of public access can we give, and that's why we're disagreeing with this resolution."

The Chair addressed Representative Finnegan, stating:

"Representative Finnegan, your time has expired on your second time.. Thank you."

The Chair then stated:

"Let's proceed on, Members of the House. I think the Finance Committee Chair and Vice-Chair will have a lovely debate if this particular resolution is heard. And for those of the Minority Caucus who are on the Finance Committee, you'll get that opportunity once more to clarify the issue."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 205, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was referred to the Committee on Finance, with Representatives Ching, Finnegan, Marumoto, Pine and Ward voting no, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 958-10), recommending that H.R. No. 63, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 959-10), recommending that H.C.R. No. 115, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 63, HD 1, and H.C.R. No. 115, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Brower's written remarks are as follows:

"The Department of Human Services, in collaboration with the Department of Transportation, Department of Transportation Services of the City and County of Honolulu, and any other agencies or entities necessary, is urged to develop a plan to resolve issues related to homeless individuals living in abandoned vehicles, including a means of determining jurisdiction of roads whose jurisdiction is unclear.

"Homeless individuals living in abandoned vehicles may present a health and safety hazard to surrounding residents and businesses, particularly when there is broken glass, vehicle parts, and food scraps littering the area. Residents and businesses have also expressed concerns regarding criminal activity occurring in and around these abandoned vehicles, some of which are homes for homeless individuals.

"At times, the "abandoned" vehicles being used for habitation are parked on roads where jurisdiction is unclear.

"Chapter 290, Hawaii Revised Statutes (HRS), identifies an abandoned vehicle, if not defined by county ordinance, as one "left unattended for a continuous period of more than twenty-four hours and it is unlawfully parked on any public highway or other public property or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a public highway".

"Chapter 291C-112, HRS, prohibits individuals from using vehicles for "purposes of human habitation, whether or not the vehicle is designed or equipped for that purpose, while the vehicle is parked on any roadway, street, or highway or other public property between the hours of 6:00 p.m. and 6:00 a.m."

"Chapter 291C-112, HRS, also prohibits such use of vehicles on private property at any time of the day without the authorization of the owner or occupant of the land.

"While these laws allow for the situation of homeless individuals living in abandoned vehicles to be dealt with in many cases, other cases are not as clear and the situation does not lend itself to an expeditious solution."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 63, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 115, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, AND ANY OTHER AGENCIES OR ENTITIES NECESSARY, TO DEVELOP A PLAN TO RESOLVE ISSUES RELATED TO HOMELESS INDIVIDUALS LIVING IN ABANDONED VEHICLES," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 960-10), recommending that H.R. No. 87, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 87, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SEEK REIMBURSEMENT FROM THE FEDERATED STATES OF MICRONESIA FOR SERVICES PROVIDED IN HAWAII TO MIGRANTS UNDER THE COMPACT OF FREE ASSOCIATION," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 961-10), recommending that H.C.R. No. 148, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 148, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES GOVERNMENT TO SEEK REIMBURSEMENT FROM THE FEDERATED STATES OF MICRONESIA FOR SERVICES PROVIDED IN HAWAII TO MIGRANTS UNDER THE COMPACT OF FREE ASSOCIATION," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 962-10), recommending that H.R. No. 203, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 203, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE WIRELESS ENHANCED 911 FUND," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 963-10), recommending that H.C.R. No. 281, be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE WIRELESS ENHANCED 911 FUND," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Hanohano, for the Committee on Public Safety presented a report (Stand. Com. Rep. No. 964-10), recommending that H.C.R. No. 223, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 223, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 965-10), recommending that H.R. No. 7, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 7, entitled: "HOUSE RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 966-10), recommending that H.C.R. No. 13, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 967-10), recommending that H.R. No. 93, be referred to the Committee on Legislative Management; and

(Stand. Com. Rep. No. 968-10), recommending that H.C.R. No. 155, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 93, and H.C.R. No. 155, be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

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

"Mr. Speaker, I am in support of HR93 and HCR155. Since its creation, the Joint Legislative Committee on Family Caregiving has strived to develop a comprehensive public policy program to support family caregivers who provide unpaid, informal assistance to persons sixty and older with physical or cognitive disabilities. This Committee has routinely made recommendations aimed at easing the burden of those who provide long term care.

"However, although these recommendations were well received, the current fiscal constraints have led to the deferment of these recommendations. The Committee seeks via this extension to ensure that its recommendations are allowed to go forward. This can only occur if this extension is afforded."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused; and

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE," was referred to the Committee on Legislative Management, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 969-10), recommending that H.R. No. 34, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 970-10), recommending that H.C.R. No. 76, as amended in HD 1, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 76, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 971-10), recommending that H.R. No. 27, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 27, entitled: "HOUSE RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 972-10), recommending that H.C.R. No. 68, be referred to the Committee on Tourism, Culture, & International Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FIRST DAY OF DECEMBER OF EVERY YEAR AS WORLD'S AIDS DAY IN THE STATE OF HAWAII," was referred to the Committee on Tourism, Culture, & International Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 973-10), recommending that H.R. No. 165, as amended in HD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 165, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DEACABROMODIPHENYL ETHER AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS IN THE UNITED STATES," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 974-10), recommending that H.C.R. No. 235, as amended in HD 1, be referred to the Committee on Economic Revitalization, Business, & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 235, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DEACABROMODIPHENYL ETHER AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS IN THE UNITED STATES," was referred to the Committee on Economic Revitalization, Business, & Military Affairs, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 975-10), recommending that H.R. No. 12, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 12, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 976-10), recommending that H.C.R. No. 15, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 15, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII CENTER ON AGING TO CONVENE A HAWAII STATE FALL PREVENTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 977-10), recommending that H.C.R. No. 110, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY TREATMENT FOR CHILDREN," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 978-10), recommending that H.C.R. No. 320, 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. 320, entitled: "HOUSE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 979-10), recommending that H.C.R. No. 292, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 292, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENTER INTO AN AGREEMENT TO TRANSFER THE MAUNA KEA STATE RECREATION AREA AND THE HAPUNA BEACH STATE RECREATION AREA TO THE COUNTY OF HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 980-10) recommending that H.R. No. 159, 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. 159, entitled: "HOUSE RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 981-10) recommending that H.C.R. No. 230, 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. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS," was adopted, with Representatives

Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 982-10) recommending that H.R. No. 13, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 13, entitled: "HOUSE RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 983-10) recommending that H.C.R. No. 51, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE SECOND WEEK IN OCTOBER AS CASE MANAGEMENT WEEK," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tokioka, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 984-10) recommending that H.C.R. No. 265, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 265, be adopted, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. As a member of the Hawaii National Guard, I would like to request that I be excused on this vote for Stand. Com. Rep. No. 984-10, HCR 268."

The Chair responded, stating:

"You're asking if you have a conflict of interest or to be excused at this point, since this is representing the total class. Would you like to be excused?"

"The Chair would recommend that there is no conflict, because this a class of individuals."

At 1:18 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:21 o'clock p.m.

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

"Thank you, Mr. Speaker. I do understand your ruling and with the ruling I am rising to speak against Stand. Com. Rep. No. 984-10. Thank you, Mr. Speaker. This House Concurrent Resolution requests that the Auditor conduct a financial audit of the Hawaii Air National Guard.

"I have looked into this a little bit. In fact I had a chance to talk to General Lee and he assured both me and the Chair of Economic Revitalization, Business & Military Affairs that he would provide to us a copy of the audit report, the legal audit report as required by the federal government.

"In addition to that, because of the concerns raised regarding some issue of a promotion, or an issue of something that occurred in the Hawaii Air National Guard, he has given us assurances that he would be providing us with the information coming out of the Inspector General's report which he

made a request for. I think the request for this report is not to our own Inspector General, but actually it's Inspector General of the United States Air Force all the way in Washington D.C.

"So I think from that standpoint we've been assured, I've been assured, and I hope this Body's been assured that our General, General Robert Lee and his staff, are not taking your concerns, as well as the authors of this resolution, lightly. And they would proceed in providing us with the information that is necessary.

"The final thing I'd like to mention is that the Auditor, our Auditor has a number of different requests before her and I do believe there are, from my perspective, many other higher priority audits that need to be done. So that is the reason why Mr. Speaker, I'm standing in opposition. Thank you."

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

"Mr. Speaker, I rise in opposition. Not to support my fellow veteran, but because as a member of the Committee that heard the first-hand testimony on this issue. This is a personal grievance. We are going to get in the middle of it and we're going to retaliate with an audit. Mr. Speaker, that's unfair.

"There are more than 50,000 employees. If they have a grievance, they're going to come to the Floor because they have a connection with somebody, and then we're going to adjudicate it with an audit because there was a personal grievance.

"And I would attest that when General Ishikawa and General Lee say that this is a personal grievance, that's exactly what they mean. They're not spinning it. This is really a misplaced allocation of power if you will, of this Body on a personal situation which should be an embarrassment to the Armed Forces, as well as this Body, Mr. Speaker. This piece of legislation does not belong in this room. Thank you."

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

"Mr. Speaker, I rise in support. I just wanted to clarify some points. I'm a little confused because as far as I see it, the status sheet on this measure shows that it only came before the Committee on Legislative Management. I was present at that hearing. I didn't see that prior speaker present.

"In addition to that, there were nine people that came forward and submitted testimony, all in favor. There was no opposition, and on that basis, that's why the Chair recommended passage.

"So I am a little perplexed by the characterizations that this is some sort of 'witch hunt' or some kind of personnel matter because that was nothing I ever heard when I was present during the entire testimony. Thank you."

Representative Takai rose to respond, stating:

"Point of information, Mr. Speaker. Thank you. You know I do understand the concern or the statements by the Majority Leader, but I do believe that if you take a look at the measure history, the measure status on this particular measure. It was re-referred. It was actually heard by a different Committee and was re-referred. Or if not this particular measure, there was another measure on the same topic, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I'd like to insert the words from the Majority Leader as if they were my own. And to also add that there was no testimony from anyone in opposition, or from General Lee or anyone from the National Guard. Mahalo."

Representative Ward rose to respond, stating:

"Mr. Speaker. Just a brief rebuttal. Mr. Speaker, all the Members are aware that we have a multi-Committee system. We have multiple referrals. I'm referring to the Committee dealing with military affairs where this was heard, and where those testimonies were given. This is not a fabrication. It

was actual words before the Committee, and the decision of those people in the military saying that, was that it is a personal grievance.

"It was not Legislative Management which I do not sit on, so when the Majority Leader says I'm not aware of where those remarks came from, it's because it was a previous Committee. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. The Hawaii Air Guard and the Department of Defense in the Hawaii, State level, is wholly funded by federal funds and so therefore answerable to the national Department of Defense and the federal government. So I have no fear or any problems with what an audit would possibly bring that forth. So I am in opposition, and I'd like the words of the speaker from Pearl City adopted as my own," and the Chair "so ordered." (By reference only.)

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

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

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

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

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HCR No. 265 because its genesis stems from a personnel decision made by the Hawaii Air National Guard that has offended someone. In this respect, a financial audit is not appropriate. Rather, it should request a review of personnel decisions made by the Guard. Thank you."

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

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

"Mr. Speaker, in support. Mr. Speaker, I don't know why people are afraid of an audit. This is an audit of the Air National Guard. What's the problem? We have civilian control. Just because General Lee says he's going to do all this, I've got to see it.

"He told us, and he told me a lot of things when I was the Chairman of Military Affairs, and I still haven't seen it. One was a financial statement dealing with Homeland Security money. In fact, he told me that I have to get a security clearance. When I was in the Air Force, I had a real high security clearance.

"So again, gentlemen and ladies, this is an audit. Let's see what happens. If it's a clean audit, fine. If not, then we've got some problems. Thank you."

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Concurrent Resolution 265. This resolution would request the State Auditor to conduct a financial audit of the Hawaii Air National Guard.

"I can only speculate that this resolution is about the command selection process under the guise of a financial audit. The language of this resolution states that "concerns regarding the reliability of the HIANG senior officer and command selection process have been raised." Federal and National

Guard Bureau guidelines and procedures control the selection process of senior Air National Guard officers.

"If a member of the Hawaii Air National Guard has concerns with the command selection process, there are procedures in place for a member to address them. They could share their concerns with their chain of command or file a complaint with the State Department of Defense Inspector General. For these reasons, I am opposed to House Concurrent Resolution 265."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE HAWAII AIR NATIONAL GUARD," was adopted, with Representatives Ching, Finnegan, C. Lee, Marumoto, Pine, Saiki, Takai and Ward voting no, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 985-10) recommending that H.C.R. No. 203, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 203, be adopted, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In strong support. This is one of those resos that I believe everybody can buzz around, and hug and hold. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. And may I have the stinging remarks of the Representative from Lihue entered in the record as if they were my own," and the Chair "so ordered." (By reference only.)

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

"In strong support of the stinging remarks also. And I have further written comments. Thank you."

Representative Tsuji's written remarks are as follows:

"Mr. Speaker, I speak in support of House Concurrent Resolution 203. This resolution recognizes the efforts of the Kauai Beekeepers Association and other key stakeholders for their efforts to assist the Hawaii Department of Agriculture with education and prevention of invasive species like the *Varroa* mite.

"The Kauai Beekeepers Association's work on *Varroa* and other key bee pests is critical for the protection and sustainability of Hawaii's unique honeybee industry and sensitive ecosystem. This is especially crucial now with the Hawaii Department of Agriculture's reduced coverage and presence on Kauai due to the mandated reduction in force. In this regard, Mr. Speaker, I am in support of the resolution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE EFFORTS OF THE KAUAI BEEKEEPERS ASSOCIATION AND OTHER KEY STAKEHOLDERS FOR THEIR EFFORTS TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH EDUCATION AND PREVENTION OF THE VARROA MITE AND OTHER INVASIVE SPECIES," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Chang, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 986-10) recommending that H.R. No. 191, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.R. No. 191, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Yamane and Chang, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 987-10) recommending that H.C.R. No. 266, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNIVERSITY OF HAWAII AND LEAHI HOSPITAL TO REACH A JOINT AGREEMENT ON A COORDINATED MASTER PLAN TO PROVIDE INNOVATIVE LONG-TERM CARE SERVICES," was adopted, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen 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. 988-10) recommending that S.B. No. 2697, SD 1, 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 S.B. No. 2697, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 989-10) recommending that S.B. No. 2340, SD 1, 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 S.B. No. 2340, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

Representatives Cabanilla and Ito, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 990-10) recommending that S.B. No. 2111, SD 2, 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 S.B. No. 2111, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen being excused.

The Chair addressed Representative Aquino, stating:

"Representative Aquino, when will these three measures be taken up?"

Representative Aquino responded, stating:

"Thank you, Mr. Speaker, for that question. These three bills will be heard in 48 hours."

The Chair responded, stating:

"Correct. That would be Monday on Final Reading. We will vote on Monday, Members. So everyone is aware."

#### ANNOUNCEMENTS

Representative Awana: "Thank you, Mr. Speaker. Representative McKelvey and I will be hosting our honorees in Room 329, and everyone's invited. Thank you."

#### ADJOURNMENT

At 1:32 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 29, 2010. (Representatives Belatti, Berg, Chang, Mizuno, M. Oshiro, Shimabukuro and Thielen were excused.)