

## FORTY-FIRST DAY

**Wednesday, March 31, 2010**

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

Representative Yamane introduced Mr. Patrick Alvior, a Mililani High School junior, who delivered the invocation, after which the Roll was called showing all Members present with the exception of Representatives Chong, Morita, M. Oshiro and Souki, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 362 through 370) were received and announced by the Clerk:

Sen. Com. No. 362, transmitting S.C.R. No. 93, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 363, transmitting S.C.R. No. 103, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A VOCATIONAL/TECHNICAL EDUCATION LEARNING CENTER AT HONOLULU COMMUNITY COLLEGE," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 364, transmitting S.C.R. No. 107, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT TO THE LEGISLATURE REGARDING INFORMATION ON THE PUBLIC SCHOOL JUNIOR KINDERGARTEN PROGRAM," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 365, transmitting S.C.R. No. 117, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE BUILDING OF MODULAR AND FACTORY MANUFACTURED HOMES IN HAWAII," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 366, transmitting S.C.R. No. 147, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 367, transmitting S.C.R. No. 156, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO PROMOTE THE USE OF XYLITOL FOR ITS PREVENTIVE AND THERAPEUTIC HEALTH AND ORAL HEALTH BENEFITS AND TO APPROPRIATELY INCORPORATE XYLITOL INTO THE HEALTHY HAWAII INITIATIVE," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 368, transmitting S.C.R. No. 178, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 369, transmitting S.C.R. No. 208, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO AMEND EXECUTIVE ORDER NO. 3665 THAT SET ASIDE LANDS FOR A GOLF COURSE AND TO RE-DEDICATE THOSE LANDS FOR A REGIONAL PARK," which was adopted by the Senate on March 30, 2010.

Sen. Com. No. 370, transmitting S.C.R. No. 217, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY ON THE CONTRACTING OF THIRD PARTY AGENTS TO INSPECT AND CERTIFY HAWAII-GROWN GREEN COFFEE BEANS," which was adopted by the Senate on March 30, 2010.

## DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 67) was received by the Clerk and was placed on file:

Dept. Com. No. 67, dated March 25, 2010, from James B. Nicholson, Chair, Hawaii Labor Relations Board, transmitting the Board's HLRB Informational Bulletin No. 48 with an "amended p. 3" which was previously transmitted on March 16, 2010.

## INTRODUCTIONS

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

Representative Yamane introduced Mr. Patrick Alvior who gave today's invocation, and his family: parents, Mr. Jose and Mrs. Mary Elizabeth Alvior; and his sister, Miss Caitlin Alvior.

Representative Yamane also introduced the St. Damien Boy Scout Troop and their families, as well as Catholic home school families from Mililani who traveled to the Vatican and Belgium to witness the canonization of Father Damien to Sainthood:

Mr. Chris Nishijima;  
Mr. Zachary Baysa;  
Mr. Zachary Fielding;  
Mr. Mao Wakui of Japan;  
Mr. Kenta Koike of Japan; and  
Mr. Riggs Brown.

Representative McKelvey introduced members of the USO on the occasion of their anniversary:

Mr. Karl Kiyokawa, Chair, USO Hawaii Advisory Council and Vice-President Hawaii Operations, TriWest HealthCare Alliance;  
Mr. Kyle Brockett, Chair-Elect, USO Hawaii Advisory Council and Asst. Vice President and Branch Manager, Bank of Hawaii, Kaneohe Marine Corps Base Hawaii;  
Mr. Tom Kolstad, Regional Vice-President, USO Pacific Region; and  
Ms. Eva Laird Smith, Director, USO Hawaii.

USO Hawaii Advisory Council

Ms. Mildred Courtney; and  
Col. (ret) Jimmie Lackey.

USO Officials, Staff and Volunteers

Ms. Elaine Ota, USO Center Mgr., Hickam AFB;  
Mr. William Johnson, USO Center Mgr., Honolulu International Airport; and  
Ms. Nicole Darity, Programs Mgr.

Military Liaison, USO Hawaii Advisory Council

Command Master Chief Petty Officer Earl Gray, US Navy, Pearl Harbor;  
Command Master Chief Petty Officer Bill Holz, US Navy, Region Hawaii; and

Sergeant Major James Sutton, USMC.

United States Coast Guard

Rear Admiral Manson Brown; and  
Master Chief Petty Officer Leilani Cale-Jones.

United States Marine Corps

Col Robert Rice.

United States Air Force

Col Sam Barrett.

Base Commander, Joint Basing

Captain Richard Kitchens.

Councilman Gary Okino; Honolulu City Council;  
Mr. Alan Hayashi, BAE Systems;  
Mr. Mak Torreano, Lockheed Martin  
Mr. Steve Colon, Hunt Development;  
Mr. Larry Osborn, Northrop Grumman;  
Mr. Charlie Ota, Chamber of Commerce; and  
Mr. Bill Comstock, Outrigger Hotels & Resorts.

Representative Ito introduced his friend, Mr. Glenn Ida, US Navy veteran.

At 12:15 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

#### ORDER OF THE DAY

#### STANDING COMMITTEE REPORTS

At this time the Chair announced:

"Members, for the Committee on Judiciary, Stand. Com. Rep. Nos. 1101-10 and 1102-10, these measures will be deferred one legislative day. We will address these measures tomorrow."

**Stand. Com. Rep. No. 1101-10 and H.R. No. 11:**

By unanimous consent, action was deferred one legislative day.

**Stand. Com. Rep. No. 1102-10 and H.C.R. No. 49:**

By unanimous consent, action was deferred one legislative day.

#### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Chong, Morita and Souki were excused.)

#### UNFINISHED BUSINESS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1041-10) recommending that S.B. No. 2441, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 2441, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1042-10) recommending that S.B. No. 2449, as amended in HD 1, pass 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. 2449, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

At 12:47 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2441, SD 2, HD 2  
S.B. No. 2449, HD 1

#### STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1089-10) recommending that S.B. No. 2745, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2745, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Marumoto's written remarks are as follows:

"SB No. 2745, SD2, HD1 updates the Uniform Controlled Substances Act. This bill does, among other things, restore the emergency scheduling of Schedule I controlled substance Salvia divinorum and its constituent Salvinorin A as a hallucinogenic substance. I am in favor of this bill, particularly retaining the sections regarding Salvia divinorum and Salvinorin A.

"Salvia, also known as Maria Pastora, Sage of the Seers, Divine's Sage, Sally-D, and Magic Mint, needs a warm climate to grow and usually comes from Mexico and Central America. It has been used by Native Americans as a hallucinogenic.

"Salvia looks like a simple house plant without any distinguishing characteristics or smells. The drug can be either smoked or eaten and usually takes effect within 30 seconds, with effects that last between 30 minutes to one hour. An unfortunate side effect of the drug can be loss of bowel control.

"The DEA is aware of Salvia divinorum and is evaluating the plant for possible scheduling. As with any hallucinogenic drug, bad effects include DUI's and accidents as well as health effects and even possibly death from overdose. Here in Hawaii there have been reported cases of adverse reactions to the drug on Maui. The potential for another drug disaster is present so I am in agreement to add salvia to the list of controlled substances. The Senate took out the sections regarding salvia from this bill and the House restored them. I urge the Conference Committee to retain the sections on salvia."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2745, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1090-10) recommending that S.B. No. 2754, pass 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. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL

DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1091-10) recommending that S.B. No. 2759, pass 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. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1092-10) recommending that S.B. No. 2859, SD 2, HD 1, pass 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. 2859, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1093-10) recommending that S.B. No. 2921, SD 1, HD 1, pass 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. 2921, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1094-10) recommending that S.B. No. 2137, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2137, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Takai's written remarks are as follows:

"Mr. Speaker, I speak in support of this bill. The measure proposes to allow military personnel deployed outside Hawaii on federal active duty to cancel or suspend health club membership at any time during the contract term under certain conditions and requires pro rata refund of fees.

"I believe that this measure would resolve conflicts when active duty military personnel are placed on orders to deploy outside Hawaii. This measure will clarify conditions under which health clubs should honor federal deployment orders issued to active duty military members.

"Military members enter into agreements with health clubs in good faith and have no control over deployment orders issued by the federal government. For these reasons, I support this measure and urge my colleagues to do the same. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2137, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1095-10) recommending that S.B. No. 2357, SD 2, HD 1, pass 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. 2357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1096-10) recommending that S.B. No. 2488, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2488, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise with a request for a ruling of a potential conflict of interest. I am an owner of a house that had installed photovoltaic. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2488, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1097-10) recommending that S.B. No. 2163, SD 2, HD 1, pass 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. 2163, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1098-10) recommending that S.B. No. 2898, SD 1, HD 1, pass 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. 2898, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1099-10) recommending that S.B. No. 2837, SD 1, HD 1, pass 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. 2837, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Chong, Morita and Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1100-10) recommending that S.B. No. 1105, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1105, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations with a couple of brief comments. I think it's well-taken because a lot of audits that are done get neglected and put on the shelf, and those that are 'hot' should be in here, but this has all of them, and I think we're going to put the public to sleep because some of

the audits don't find out anything. They're boring, and this kind of has a one-size-fits-all. Those that are deserving should have a 'may' rather than probably a 'shall'. Thank you."

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

"Thank you. Just short comments in opposition, Mr. Speaker. Thank you. With what we're facing and the amount of work that our Executive, as well as the Legislature is doing especially with our budget crunch, I'll be voting no on this bill. Mr. Speaker, the Majority has the opportunity to pull and set informational briefings pretty much at any time, so I think we should have the language of 'may' instead of 'shall'. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Finnegan voting no, and with Representatives Chong, Morita and Souki being excused.

At 12:51 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2745, SD 2, HD 1  
 S.B. No. 2754  
 S.B. No. 2759  
 S.B. No. 2859, SD 2, HD 1  
 S.B. No. 2921, SD 1, HD 1  
 S.B. No. 2137, SD 1, HD 1  
 S.B. No. 2357, SD 2, HD 1  
 S.B. No. 2488, SD 2, HD 1  
 S.B. No. 2163, SD 2, HD 1  
 S.B. No. 2898, SD 1, HD 1  
 S.B. No. 2837, SD 1, HD 1  
 S.B. No. 1105, SD 2, HD 1

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1103-10) recommending that H.R. No. 41, as amended in HD 1, 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. 41, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HONOLULU LIQUOR COMMISSION TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was adopted, with Representatives Chong, Morita and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1104-10) recommending that H.C.R. No. 92, as amended in HD 1, 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. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HONOLULU LIQUOR COMMISSION TO STUDY THE FEASIBILITY OF MANDATORY STATEWIDE TRAINING STANDARDS FOR SELLERS AND SERVERS OF ALCOHOLIC BEVERAGES," was adopted, with Representatives Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1105-10) recommending that S.B. No. 2937, 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. 2937, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1106-10) recommending that S.B. No. 2154, 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. 2154, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1107-10) recommending that S.B. No. 2472, 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. 2472, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1108-10) recommending that S.B. No. 2532, 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. 2532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1109-10) recommending that S.B. No. 2547, 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. 2547, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Chong, Morita and Souki being excused.

Representatives Ito and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1110-10) recommending that S.B. No. 2408, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2408, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

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

"I rise in support with some reservations. I'd like to make a couple comments. This bill, Senate Bill 2408 was 'gut and replaced' with House Bill 2849, and just upon further analysis I believe, this actually may hurt housing development in the State of Hawaii and our economy.

"It zeroes out all housing credits. It does not increase growth by doing so, and would enrich a few developers that hold housing credits currently. A small business owner might not be able to afford the compliance with this if this becomes an Act. I will reserve further comments on Third Reading."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations 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."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2408, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching and Finnegan voting no, and with Representatives Aquino, Chong, Morita and Souki being excused.

### THIRD READING

#### S.B. No. 2045, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2045, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Chong, Morita and Souki being excused.

#### S.B. No. 2676, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2676, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Chong, Morita and Souki being excused.

#### S.B. No. 2432:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," passed Third Reading by a vote of 47 ayes, with Representatives Aquino, Chong, Morita and Souki being excused.

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

S.B. No. 2045, SD 1, HD 1  
S.B. No. 2676, SD 1  
S.B. No. 2432

### ANNOUNCEMENTS

At 12:55 o'clock p.m. Representative M. Lee requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

Representative Takai: "Thank you, Mr. Speaker. A few days ago on March 23rd we had a very unique and special ceremony here on the Floor of the House. We recognized families of fallen service members. I recall Mr. Speaker, the time that you and I met in 2005 in your office to talk a little bit about this concept and I can think of two things today about that first meeting.

"The first one is, I don't think we both realized that we would still be doing it; and the second one is, I don't think that we would have anticipated how much of a profound impact we've had on these families. And we hear it almost daily how much they appreciate all of our efforts.

"So Mr. Speaker, I want to thank you for not only giving me the opportunity to introduce and shepherd that bill through the Legislature, but for giving me the opportunity to once again coordinate this year's Hawaii Medal of Honor Ceremony. But it took many, many people and I'd like to at this time acknowledge some of them.

"First, I'd like to first thank all the staff here and in the Senate. House Chief Clerk, Pat Mau-Shimizu and her staff; Senate Clerk, Carol Taniguchi and her staff; House Sergeant-at-Arms Kevin Kuroda and his staff; Senate Sergeant-at-Arms Ben Villaflor and his staff; and Linda Oamilda in the House Majority Staff Office and her staff.

"We did get a lot of support and assistance from the military. And I wanted to recognize Dennis Fujii from the US Pacific Command, who helped us with coordinating the ceremony's participants, and Leighton Siu who helped us with protocol.

"I also wanted to mention some individuals who helped us throughout the year in identifying the people who we recognized last week Tuesday. From the Army, we worked with Kole Miller, the Chief of Protocol for the 25th Infantry Division; and Captain George M. Keller. From the Navy, we had Denise Emsley. From the Air Force, we had Minnie Lanier. And from the Marines, we had Colonel (retired) Chris Blanchard.

"In addition Mr. Speaker, as all of you noticed, the Medal itself is beautiful. I wanted to again acknowledge Sergeant First Class Aaron Pollick from the Hawaii Army National Guard, who came up with the initial design which has come to symbolize much more than the medal itself.

"But with that, a lot of other people participated, namely Symbol Arts who minted the Medal. We had Kent Untermann and Valerie Wang from Pictures Plus who did the assembly and the framing. Rose Lee from Rose Lee's Alterations who helped us sew the ribbons. And Ty and Cindy Tamanaha from Awardline who helped us with the plaques.

"In addition Mr. Speaker, I would like to acknowledge those who helped us enrich the experiences for the families who travel here to attend the event. We worked closely with the Pearl Harbor Historic Sites – the USS Bowfin Submarine Museum and Park, the Battleship Missouri Memorial, the Pacific Aviation Museum-Pearl Harbor and the World War II Valor in the Pacific National Monument and they came through with support for the families. The Hale Koa Hotel and the Polynesian Cultural Center came through as well, and we worked specifically with the Hawaii Hotel Association to provide discount hotel rates for participating hotels and for the honoree families. And I would like to also add that this year we're very fortunate to receive the support of the Princess Kaiulani, the Sheraton Princess Kaiulani Hotel, who provided free hotel rooms for our families. All of these organizations and entities helped us as we helped the families make this special visit to Hawaii.

"We also had a beautiful reception following the ceremony and I wanted to thank Pat Mau-Shimizu and her staff again, Tish Mercado from Representative McKelvey's office and Carole Hagihara from Representative Choy's office for coordinating this effort. A big mahalo also goes to Denise Liu who coordinated the check-in table and Tammy Tengan for the programs. In addition, Reyna Kaneko and the Girl Scout Council of Hawaii for their gift of Girl Scout cookies distributed to each of the families being honored. I also wanted to thank our members who were hosts to these families. I think that Representative Ward's recommendation a few weeks ago really enhanced and really helped the families this year, and I hope that we will continue this in years to come.

"Many people were asking about the 'Olelo Broadcast and I wanted to make mention again, Mr. Speaker, that Capitol TV will be graciously providing a DVD for each family, both present and not present at last Tuesday's ceremony and they will also be providing one copy for each of us.

"I wanted to recognize the Planning Committee. Senate President Colleen Hanabusa, you Mr. Speaker, Senator Will Espero, and Representative Angus McKelvey. In addition, we got support from Major General Robert Lee.

"And we all know as Representatives Mr. Speaker, that much of our success and the things that we do here in this Chamber, and the State Capitol, as well as the communities that we represent, are a direct result of our staff. As I did last year and for the years prior, I wanted to especially thank Lisa Vargas from my staff. And as I said before, our staff makes us what we are. But more importantly, Lisa Vargas, my office manager, made us, the House of Representatives, the State Senate, the entire Legislature and the State of Hawaii, she made us all look good throughout the nation. This has become an ongoing project over the last five years and Lisa continues to work with the military throughout the year to identify service members and contact every single family we have had the privilege to honor and award our medal.

"This medal went and continues to go to families with Hawaii ties, and so far, as you know, as of January 15, 2010, we had a total of 268 medals awarded. And unfortunately, however, the list continues to grow and we will unfortunately be having another ceremony next year.

"So Mr. Speaker, at this time I'd like to ask you and the Members of this House to recognize everybody that I mentioned and if we could give them a round of applause. Thank you, Mr. Speaker."

Representative Ward: "Mr. Speaker. As he has commended and thanked others Mr. Speaker, would it be appropriate that we thank Representative Mark Takai for the excellent job that's he brought us. Thank you, Mark."

Representative McKelvey: "Thank you very much, Mr. Speaker and Members. Just to let everybody know, you're all invited to Room 329. We're having a lunch with 'ono grindz,' as I was instructed by the Speaker to announce to everyone. It is hosted by the USO Hawaii. Come on up and meet the good men and women of the USO and the military. I hope to see you there."

Representative Ching: "Thank you, Mr. Speaker, I just wanted to announce that, I think it was mentioned earlier, today is a special day with the signing of legislation to create a special holiday for St. Damien. I feel it's important to mention this because my district is associated with the Catholic Faith.

"Many may not be aware, as I was not aware, that actually Catholics were oppressed. Catholics were rebuffed here in the State of Hawaii. And if it wasn't but for the edict of the King of France, that they were allowed to be here.

"Hence my district named after Liliha, she was the wife of the first-ever baptized Catholic Chief Boki, and that is why Liliha has Bachelot Street after the first priest Bachelot, as well as the Catholic Charities, St. Francis, and others at Cathedral School.

"But their donation, the charitable acts of the Catholic Faith are renowned. And so on behalf of everyone here that knows of the Catholics contribution to Hawaii, you know that Father Damien is integral to that. I wanted to announce that."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and having decision making on the following measures, and the Chair "so ordered.

Decision making will be held today at 2:00 p.m. in Room 308 on the following measure previously heard on Wednesday, March 17:

SB No. 2395, SD 2.

Decision making will be held today at 6:00 p.m. in Room 308 on the following measures previously heard on Thursday, March 25:

SB No. 2124, SD 2;  
SB No. 2951, SD2, HD 1; and  
SB No. 2884, SD 2, HD 1.

The following measures will be heard today at 7:00 p.m. in Room 308:

SB No. 2400, SD 1;  
SB No. 1178, SD 2, HD 1;  
SB No. 2105, SD 2, HD 1;  
SB No. 2231, SD 1, HD 1;  
SB No. 2534, SD 2, HD 1;  
SB No. 2600, SD 2, HD 2; and  
SB No. 1141, SD 2, HD 1.

#### ADJOURNMENT

At 1:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, April 1, 2010. (Representatives Chong, Morita, Saiki and Souki were excused.)