

NINETEENTH DAY

Wednesday, February 16, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:08 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Chong, M. Oshiro, Souki and Wooley, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 137 through 140) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 137, dated January 7, 2011, transmitting a Report Relating to a Clean Energy Bond/Property Assessed Clean Energy Program, prepared by the Department of Business, Economic Development and Tourism pursuant to H.R. No. 47, HD 1 (2010).

Gov. Msg. No. 138, dated January 18, 2011, transmitting the Renewable Portfolio Standards Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 196-41, Act 95, SLH 2004.

Gov. Msg. No. 139, dated January 20, 2011, transmitting the Hawaii Economic Development Task Force Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 73, SLH 2010.

Gov. Msg. No. 140, dated January 28, 2011, transmitting the Energy Resources Coordinator's Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Sections 196-4(11) and 48J-5(d), HRS.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Awana introduced Ali'i, Sir William Souza of the Royal Order of Kamehameha I.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 301) recommending that H.B. No. 226, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 226, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 302) recommending that H.B. No. 69, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 69, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"In support and just a couple of comments. I just wanted to openly thank this Body for their respect and the kindness that you've shown to the individuals that support this issue. And I want to especially thank the Housing Chair for her kindness and pride in promoting this issue. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 69, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 303) recommending that H.B. No. 753, as amended in HD 1, pass Second Reading and 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.B. No. 753, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 304) recommending that H.B. No. 297, as amended in HD 1, pass Second Reading and 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.B. No. 297, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES FEE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 305) recommending that H.B. No. 300, as amended in HD 1, pass Second Reading and 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.B. No. 300, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 306) recommending that H.B. No. 301, pass Second Reading and 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.B. No. 301, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 307) recommending that H.B. No. 302, pass Second Reading and 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.B. No. 302, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 308) recommending that H.B. No. 1139, pass Second Reading and 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.B. No. 1139, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 309) recommending that H.B. No. 1333, pass Second Reading and 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.B. No. 1333, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 310) recommending that H.B. No. 1640, as amended in HD 1, pass Second Reading and 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.B. No. 1640, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 311) recommending that H.B. No. 1325, as amended in HD 1, pass Second Reading and 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.B. No. 1325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 312) recommending that H.B. No. 1255, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1255, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, 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.B. No. 1255, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 313) recommending that H.B. No. 250, pass Second Reading and 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.B. No. 250, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF ATTORNEYS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 314) recommending that H.B. No. 383, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 383, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'd like to ask for a ruling on a potential conflict. I previously served as a member of this Commission. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 315) recommending that H.B. No. 382, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 382, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Just some slight reservations. Basically what this does, we are again of course auditing DOTAX. And while there are some safeguards in place in terms of private information, I just want us to make sure that in the end as this bill is finalized, that we make a very strong statement that individual tax records during this process, that we should rigidly ensure that they are protected and confidential."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 382, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 316) recommending that H.B. No. 550, pass Second Reading and 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.B. No. 550, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 317) recommending that H.B.

No. 135, as amended in HD 1, pass Second Reading and 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.B. No. 135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 318) recommending that H.B. No. 968, as amended in HD 1, pass Second Reading and 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.B. No. 968, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 319) recommending that H.B. No. 717, as amended in HD 1, pass Second Reading and 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.B. No. 717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 320) recommending that H.B. No. 758, as amended in HD 1, pass Second Reading and 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.B. No. 758, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND DIVISION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 321) recommending that H.B. No. 1065, pass Second Reading and 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.B. No. 1065, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 322) recommending that H.B. No. 1079, as amended in HD 1, pass Second Reading and 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.B. No. 1079, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 323) recommending that H.B. No. 1083, pass Second Reading and 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.B. No. 1083, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representatives Tsuji and Chang, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 324) recommending that H.B. No. 1277, as amended in HD 1, pass Second Reading and 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.B. No. 1277, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATEWIDE AGRICULTURE WATER DEVELOPMENT STUDY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 325) recommending that H.B. No. 285, as amended in HD 1, pass Second Reading and 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.B. No. 285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 326) recommending that H.B. No. 286, as amended in HD 1, pass Second Reading and 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.B. No. 286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 327) recommending that H.B. No. 869, as amended in HD 1, pass Second Reading and 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.B. No. 869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 328) recommending that H.B. No. 1275, as amended in HD 1, pass Second Reading and 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.B. No. 1275, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 329) recommending that H.B. No. 1569, pass Second Reading and 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.B. No. 1569, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 330) recommending that H.B. No. 1598, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1598, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support. February is almost done so don't worry. I won't be standing that many more times. But I did want to just take this time to mention a few things that I did not mention earlier.

"By supporting this measure, we support cacao. And cacao takes advantage of what is uniquely our strength. Playing to our own strengths instead of playing to another state's or another jurisdiction's strengths. Because primarily cacao can only be grown here. But it's not only that. The military, it's my understanding, has a rule. The military has a rule that if they have a choice between a domestically grown product in the USA and an international product, they're basically required to go with the domestic product. We have a large military component of consumption here. And I think I mentioned it earlier that actually the advent of chocolate came from World War I and World War II, for soldiers.

"The second thing I was going to say is that as APEC nears at around November, I had the pleasure of seeing in Taiwan how seriously they take their chocolate. We already know how serious Japan takes their chocolate. But in the stores of Taiwan you'll see tons of boxes of dark chocolate covered mango, lychee, papaya. These are the things we grow here. So my true appreciation for this crop is because it helps 'all boats rise.'

"And so finally I just wanted to say that I'm hoping that come APEC, with the desire that Asia has proven for it's absolutely increasing-exponentially desire for high-end chocolate, quality dark chocolate, I hope that we'll be able to supply them with chocolate where their ingredients are our local ag products like macadamia nuts, and Ka'u orange.

"I just wanted to share one more story that my brother in law, who does international law in Asia, he's an international lawyer, shared with me his amusement at being at Walmart one day, the Keeaumoku branch, and there were many Japanese tourists lined up, waiting. And he was wondering what they were waiting for. The top shelf was empty and they were waiting. He asked a Walmart employee, 'What are the Japanese tourists waiting for?' He says, 'Don't you know? They're waiting for the shipment of the dark chocolate macadamia nuts.' As we all know, that's our number one export, in a lot of ways. We already have the markets in Asia. So I just wanted to add that in additional comments to the Journal please. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. And I could say it no better than the ranking Republican from Liliha, and may I use her words as my own in the Journal," 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 H.B. No. 1598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CACAO INDUSTRY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 331) recommending that H.B. No. 1607, as amended in HD 1, pass Second Reading and 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.B. No. 1607, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RANGE LAND LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 332) recommending that H.B. No. 978, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 978, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I'm rising in strong support of this measure. Although this hospital is not in my district, it will provide essential community medical services for Upcountry Maui, and I'm certain that the Representative from Upcountry Maui would also share that strong support with me as well. Thank you."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"I'd like a ruling on a possible conflict. I was formerly on the Board of the Community Clinic of Maui which operates Malama I Ke Ola Health Center," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I rise in support of this measure with a brief, brief footnote. The people of Maui wanted to do a private hospital. They struggled for years. This is a bill that's a no-brainer. But I think for their health, and I think even a high school that's coming down the line. Maui's been neglected in this area, so this is a very important bill for our Neighbor Island. Thank you."

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

"Thank you, very much. In support, Mr. Speaker. I just would like to note that this is not only a strong initiative, but to correct the previous speaker, there's actually a hospital project that has received the necessary approval to move forward in West Maui. So this, coupled along with the bill before us is helping to bring the medical services that are desperately needed to all sectors of the community. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 978, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 333) recommending that H.B. No. 597, pass Second Reading and 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.B. No. 597, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong, Souki and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 334) recommending that H.B. No. 602, pass Second Reading and 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.B. No. 602, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CERVICAL AND BREAST CANCER SCREENING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 335) recommending that H.B. No. 1203, as amended in HD 1, pass Second Reading and 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.B. No. 1203, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 336) recommending that H.B. No. 1134, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1134, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Yes, with support, but with some reservations. What this bill does is it repeals Part V of the Hawaii Prepaid Health Act in Act 99, as well as repeals the sunset clause from Hawaii's Prepaid Health Care Act, basically to get ready for Congress' Affordable Care Act. I know that we had some strong discussions in this Committee, and I just really want to move cautiously. I still believe that we have some of the best healthcare in the nation in terms of our ability to get it, and I hope that we just move very cautiously with this bill."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Pine 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 H.B. No. 1134, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chong, Souki and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 337) recommending that H.B. No. 1053, pass Second Reading and 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.B. No. 1053, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chong, Souki and Wooley being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 338) recommending that H.B. No. 157, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 157, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just would like to express my deep reservation for this matter. This will put on a website all those who could be in violation of the rules of adult day-care centers and community-care foster homes. While it's good, and the public should know violations, and I support that because it is good for public health and safety. However, posting a violation before it's proven to be correct, or that the people or organization is found to be guilty, I think is rather premature. We know there are mistakes. We know there are misconceptions. But I think that publishing it to the Internet which can be misconstrued to be a true fact is not for the betterment of these businesses. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise on the same Stand. Com. Report 338 with reservations, Mr. Speaker. Thank you, Mr. Speaker. The Long-Term Care Ombudsman's Office had submitted an email to many of the Health and Human Services Committee members. And in that email, the Long-Term Care Ombudsman's Office indicated that they are working with the Department of Health and other departments and advocates for the elderly and disabled in coming up with an online reporting system. So in his own words, he said this measure will not be needed to move forward this year.

"We anticipate something in the very near future. Probably next Session. But again the Long-Term Ombudsman's Office of the State of Hawaii indicated that this measure is not needed, at least for this Session. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 157, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 339) recommending that H.B. No. 749, as amended in HD 1, pass Second Reading and 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 Committees was adopted and H.B. No. 749, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chong, Souki and Wooley being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 340) recommending that H.B. No. 326, as amended in HD 1, pass Second Reading and 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.B. No. 326, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 341) recommending that H.B. No. 1434, as amended in HD 1, pass Second Reading and 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.B. No. 1434, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC

WORK PROJECTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 342) recommending that H.B. No. 1037, pass Second Reading and 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.B. No. 1037, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER CONTRIBUTIONS TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 343) recommending that H.B. No. 1036, pass Second Reading and 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.B. No. 1036, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 344) recommending that H.B. No. 1143, pass Second Reading and 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.B. No. 1143, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 345) recommending that H.B. No. 169, as amended in HD 1, pass Second Reading and 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.B. No. 169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 346) recommending that H.B. No. 121, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 121, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker. I stand in strong support of this measure. Funding the Civil Air Patrol, especially for rural areas on Maui, they provide a critical role in providing early warning in the case of a tsunami or other pending disaster. Unfortunately, we don't have civil defense sirens in all of our communities. They provide an essential service by flying their plane with a loud speaker to alert people to seek higher ground and shelter. Thank you."

Representative M. Lee rose to disclose a potential conflict of interest, stating:

"Could I have a ruling on a potential conflict, please? I'm a Major in the Civil Air Patrol Auxiliary," and the Chair ruled, "no conflict."

Representative M. Lee continued in support of the measure 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 rise in support of HB 121, which makes appropriations for the operational expenses of the Hawaii Civil Air Patrol.

"Without this appropriation it will be difficult for volunteer pilots and crews to maintain their proficiency to perform their duties in support of tsunami alerts. I understand that funds are scarce during this economic downturn, however, teaching good citizenship and volunteerism to future leaders and providing tsunami warning services to the community is a good investment."

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

"I'd also like the same ruling on a potential conflict. I have the same conflict as the previous Representative," and the Chair ruled, "no conflict."

Representative Pine continued to speak in support of the measure, stating:

"I would also like to mention my support for this measure."

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict. It's the same conflict that was raised by the Representative from Mililani," and the Chair ruled, "no conflict."

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

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

"Mr. Speaker. I have the same request on a potential conflict," and the Chair ruled, "no conflict."

The Chair then stated:

"If there are any other Members who would like to ask for a ruling on a potential conflict, there is no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 121, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 347) recommending that H.B. No. 1300, as amended in HD 1, pass Second Reading and 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.B. No. 1300, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 348) recommending that H.B. No. 1642, as amended in HD 1, pass Second Reading and 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.B. No. 1642, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 349) recommending that H.B. No. 364, as amended in HD 1, pass Second Reading and 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.B. No. 364, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 350) recommending that H.B. No. 986, as amended in HD 1, pass Second Reading and 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.B. No. 986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION AND FILM PRODUCTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 351) recommending that H.B. No. 962, as amended in HD 1, pass Second Reading and 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.B. No. 962, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Souki and Wooley being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 42 and 43) and concurrent resolutions (H.C.R. Nos. 49 and 50) were referred to Printing and further action was deferred:

H.R. No. 42, entitled: "HOUSE RESOLUTION REQUESTING THE STUDY AND DEVELOPMENT OF QUIETER ALTERNATIVES TO BACK-UP BEEPERS AMONG DELIVERY TRUCKS," was offered by Representative Brower.

H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO STUDY THE REINTEGRATION OF THE OFFICE OF THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA WITH THE OFFICE OF THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Takai.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STUDY AND DEVELOPMENT OF QUIETER ALTERNATIVES TO BACK-UP BEEPERS AMONG DELIVERY TRUCKS," was offered by Representative Brower.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO STUDY THE REINTEGRATION OF THE OFFICE OF THE CHANCELLOR OF THE UNIVERSITY OF HAWAII AT MANOA WITH THE OFFICE OF THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM," was offered by Representative Takai.

ANNOUNCEMENTS

Representative Choy: "Mr. Speaker, it's that time of year where we have Art at the Capitol. Three years ago the Senate hosted Art at the Capitol where the public was invited to view the fine art work that's displayed in our offices. Last year we had 19 Senate offices, and 23 House offices participating in this particular event.

"This year, like last year, Senator Taniguchi, Representative Nakashima, and I will be hosting Art at the Capitol again on Friday, April 1st, 2011 from 5:00 to 7:00 p.m., and I'd like to invite all of you to participate, especially the leadership. I would like to see all your neat posters and displays up.

"Last year, I'd like to note that Representative Brower's office was just full of art work that was very, very unusual. And of course Representative M. Oshiro's office had the good budget displays out. So if you can get your creative spirit out, I'd like to invite all of you to participate in Art at the Capitol. Thank you, Mr. Speaker."

Representative M. Oshiro, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and reconsidering decision making on H.B. No. 827, on February 16, today, at 2:30 p.m. in Conference Room 308, and the Chair "so ordered."

"This is the bill that we originally heard on February 11, 2011. We're going back in to reconsider our decision making at 2:30 p.m. or immediately following our 2:00 p.m. agenda in conference room 308. The purpose of this reconsideration is to fix a mistake in the amounts appropriated to the Office of the Auditor. Thank you."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
853	Committee on Finance
1626	Committee on Finance

ADJOURNMENT

At 12:29 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 17, 2011. (Representatives Chong, Souki and Wooley were excused.)