

THE
 TWENTY-SIXTH LEGISLATURE
 STATE OF HAWAII
 REGULAR SESSION OF 2011
 JOURNAL OF THE HOUSE

FIRST DAY

Wednesday, January 19, 2011

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawaii, the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 10:04 o'clock a.m.

The Honorable Mark M. Nakashima, being the Representative who was elected from the First Representative District of the State of Hawaii, called the House to order at 10:04 o'clock a.m.

The Members of the House, guests and audience rose for the singing of the National anthem which was led by Ms. Jenni Panoncial, followed by *Hawaii Pono'i* which was led by Mr. Sean Na'auao. Thereafter the Pledge of Allegiance was led by Master Makoa Paresa, a student at University Lab School and youngest son of Lon and Marie Paresa.

The invocation was then delivered by Kahu Kamaki Kanahele.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 1) was read by the Temporary Clerk and was disposed of as follows:

H.R. No. 1, entitled: "HOUSE RESOLUTION ELECTING THE TEMPORARY CHAIR OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," declaring the Honorable Mark M. Nakashima, Representative from the First District, as the duly elected Temporary Chair of the House of Representatives of the Twenty-Sixth Legislature, was jointly offered by Representatives Takumi, Evans and Wooley.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.R. No. 1 was adopted.

Representative Nakashima then stated:

"Members of the House of Representatives of the Twenty-Sixth State Legislature, I am honored to serve as your Temporary Chair this morning. Thank you. Let us commence with the Order of the Day."

The Temporary Chair appointed Ms. Patricia Mau-Shimizu as Temporary Clerk of the House of Representatives.

The Temporary Chair then called upon Representative B. Oshiro for the report of the Committee on Credentials.

SPECIAL COMMITTEE REPORTS

Representative B. Oshiro, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) as follows:

"Your Committee on Credentials begs leave to report that it has thoroughly considered the matter of the seating of the members elect of the House of Representatives of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2011, and finds that, based on the certificates of election issued by the Office of Elections (attached), the members-elect

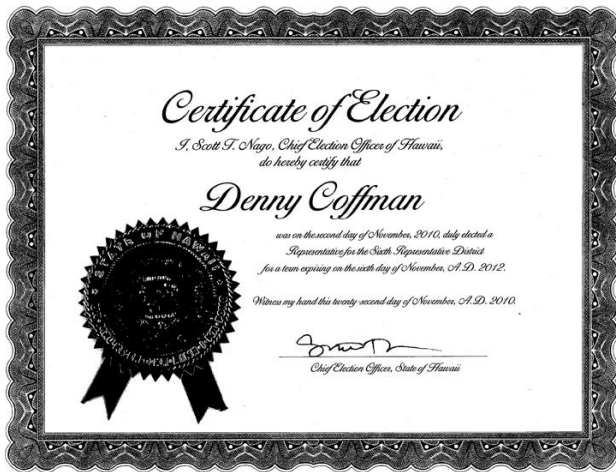
are duly qualified to sit as members of the House of Representatives as follows:

First District:	Mark M. Nakashima
Second District:	Jerry L. Chang
Third District:	Clift Tsuji
Fourth District:	Faye P. Hanohano
Fifth District:	Robert N. Herkes
Sixth District:	Denny Coffman
Seventh District:	Cindy Evans
Eighth District:	Joseph M. Souki
Ninth District:	Gilbert S.C. Keith-Agaran
Tenth District:	Angus L.K. McKelvey
Eleventh District:	George R. Fontaine
Twelfth District:	Kyle T. Yamashita
Thirteenth District:	Mele Carroll
Fourteenth District:	Hermina M. Morita
Fifteenth District:	James Kunane Tokioka
Sixteenth District:	Dee Morikawa
Seventeenth District:	Gene Ward
Eighteenth District:	Mark J. Hashem
Nineteenth District:	Barbara C. Marumoto
Twentieth District:	Calvin K.Y. Say
Twenty-First District:	Scott Y. Nishimoto
Twenty-Second District:	Scott K. Saiki
Twenty-Third District:	Tom Brower
Twenty-Fourth District:	Isaac W. Choy
Twenty-Fifth District:	Della Au Belatti
Twenty-Sixth District:	Sylvia Luke
Twenty-Seventh District:	Corinne W.L. Ching
Twenty-Eighth District:	Karl Rhoads
Twenty-Ninth District:	Joey Manahan

Thirtieth District:	John M. Mizuno
Thirty-First District:	Linda Ichiyama
Thirty-Second District:	Aaron Ling Johanson
Thirty-Third District:	Blake K. Oshiro
Thirty-Fourth District:	K. Mark Takai
Thirty-Fifth District:	Henry J.C. Aquino
Thirty-Sixth District:	Roy M. Takumi
Thirty-Seventh District:	Ryan I. Yamane
Thirty-Eight District:	Marilyn B. Lee
Thirty-Ninth District:	Marcus R. Oshiro
Fortieth District:	Sharon E. Har
Forty-First District:	Ty Cullen
Forty-Second District:	Rida T.R. Cabanilla
Forty-Third District:	Kymberly Marcos Pine
Forty-Fourth District:	Karen L. Awana
Forty-Fifth District:	(Vacant)
Forty-Sixth District:	Gil Riviere
Forty-Seventh District:	Jessica Wooley
Forty-Eighth District:	Ken Ito
Forty-Ninth District:	Pono Chong
Fiftieth District:	Cynthia Thielen
Fifty-First District:	Chris Lee"

The report was submitted by Representatives B. Oshiro, Ward and Choy, with the following Certificates of Election attached:

















[Note: Maile S.L. Shimabukuro was elected to the House of Representatives, Forty-Fifth district, certified by the Office of Elections, later appointed to the Senate, and resigned from her House seat effective January 3, 2011.]





NEIL ABERCROMBIE
GOVERNOR

December 21, 2010

The Honorable Shan Tsutsui
Senate President
Hawaii State Senate
Twenty-Sixth Legislature
State Capitol, Room 409
Honolulu, HI 96813

Dear Senate President Tsutsui,

In accordance with the provisions of section 17-3(b)(2) of the Hawaii Revised Statutes, it is my honor to appoint Dr. Malama Solomon to fill the vacancy as the member from the First Senate District and Maile Shimabukuro to fill the vacancy as the member from the Twenty-First Senate District, Twenty-Sixth Legislature, State of Hawaii.

Sincerely,

Neil Abercrombie
NEIL ABERCROMBIE
Governor, State of Hawaii

RECEIVED
2010 DEC 29 P 1:30
CHIEF CLERK'S OFFICE
HOUSE OF
REPRESENTATIVES
OFFICE OF THE PRESIDENT
10 DEC 27 P 4:35



RECEIVED
2010 DEC 29 P 1:30
CHIEF CLERK'S OFFICE
HOUSE OF
REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813
2010 DEC 29 P 1:30
CHIEF CLERK'S OFFICE

December 28, 2010

Representative Calvin K. Y. Say
Speaker of the House
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Speaker Say:

I wish to inform you that I have accepted an appointment by Governor Neil Abercrombie to the Senate's 21st District, which became vacant with the election of Senator Colleen Hanabusa to the U. S. Congress. Therefore, I hereby notify you of my resignation from my House District 45 seat, effective January 3, 2011.

It has been a privilege for me to serve with you for the past eight years in the House of Representatives. I am grateful to you for your service as Speaker during my tenure, as well as the confidence you have shown by appointing me as Chair and Vice-Chair of key committees.

I am anxious to take on new challenges and responsibilities as I continue to represent my Wai'anae Coast constituents in the Senate. I know that the experience gained and relationships formed during my years in the House will stand me in good stead as I move to the other side of the Legislature. I also look forward to working closely with you and my former House colleagues as we enter a new year and a new legislative session.

My very best wishes to you, Mr. Speaker, for a happy and productive 2011!

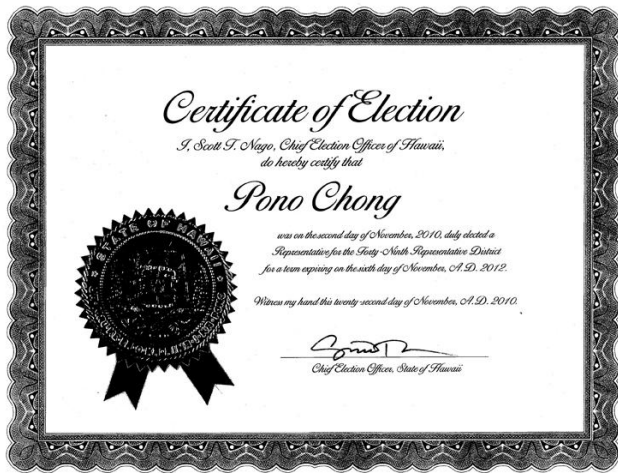
Aloha,

Maile S. L. Shimabukuro
Maile S. L. Shimabukuro

c: clerks office

Representative Maile S.L. Shimabukuro, District 45
(Wai'anae-Māhaka-Māku)
Vice Chair, Committee on Hawaiian Affairs
Member, Committees on Education, Higher Education, Health & Human Services
Hawaii State Capitol, Room 406, Honolulu, Hawaii 96813
Phone: (808) 586-8460/Fax: (808) 586-8464/E-mail: repshimabukuro@capitol.hawaii.gov





On motion by Representative B. Oshiro, seconded by Representative Ward and carried, the report of the Committee was adopted.

The Temporary Chair directed the Temporary Clerk to call the Roll, which being done disclosed that the following members were present: Representatives Henry J.C. Aquino, Karen L. Awana, Della Au Belatti, Tom Brower, Rida T.R. Cabanilla, Mele Carroll, Jerry L. Chang, Corinne W.L. Ching, Pono Chong, Isaac W. Choy, Denny Coffman, Ty Cullen, Cindy Evans, George R. Fontaine, Faye P. Hanohano, Sharon E. Har,

Mark J. Hashem, Robert N. Herkes, Linda Ichiyama, Ken Ito, Aaron Ling Johanson, Gilbert S.C. Keith-Agaran, Chris Lee, Marilyn B. Lee, Sylvia Luke, Joey Manahan, Barbara C. Marumoto, Angus L.K. McKelvey, John M. Mizuno, Dee Morikawa, Hermina M. Morita, Mark M. Nakashima, Scott Y. Nishimoto, Blake K. Oshiro, Marcus R. Oshiro, Kymberly Marcos Pine, Karl Rhoads, Gil Riviere, Scott K. Saiki, Calvin K.Y. Say, Joseph M. Souki, K. Mark Takai, Roy M. Takumi, Cynthia Thielen, James Kunane Tokioka, Clift Tsuji, Gene Ward, Jessica Wooley, Ryan I. Yamane and Kyle T. Yamashita, a total of fifty.

At 10:19 o'clock a.m., the Temporary Chair declared a recess, subject to the call of the Chair.

At this time, the Members of the House, their guests and audience were entertained by Moanalua String Ensemble – Moanalua High School Chamber Orchestra, directed by Mr. Elden Seta.

The House of Representatives reconvened at 10:39 o'clock a.m.

The Temporary Chair then appointed the Sergeant-at-Arms to escort the Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, to the rostrum and requested that he administer the Oath of Office to the Members of the House.

OATH OF OFFICE

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, called upon the Members of the House of Representatives who had been elected to serve in the Twenty-Sixth Legislature of the State of Hawaii to rise, and the Oath of Office was administered in accordance with the provisions of the Constitution of the State of Hawaii, to the following Members of the House:

FIRST DISTRICT:

Mark M. Nakashima

SECOND DISTRICT:

Jerry L. Chang

THIRD DISTRICT:

Clift Tsuji

FOURTH DISTRICT:

Faye P. Hanohano

FIFTH DISTRICT:

Robert N. Herkes

SIXTH DISTRICT:

Denny Coffman

SEVENTH DISTRICT:

Cindy Evans

EIGHTH DISTRICT:

Joseph M. Souki

NINTH DISTRICT:

Gilbert S. C. Keith-Agaran

TENTH DISTRICT:

Angus L. K. McKelvey

ELEVENTH DISTRICT:

George R. Fontaine

TWELFTH DISTRICT:

Kyle T. Yamashita

THIRTEENTH DISTRICT:

Mele Carroll

FOURTEENTH DISTRICT:

Hermina M. Morita

FIFTEENTH DISTRICT:

James Kunane Tokioka

SIXTEENTH DISTRICT:

Dee Morikawa

SEVENTEENTH DISTRICT:

Gene Ward

EIGHTEENTH DISTRICT:

Mark J. Hashem

NINETEENTH DISTRICT:

Barbara C. Marumoto

TWENTIETH DISTRICT:

Calvin K. Y. Say

TWENTY-FIRST DISTRICT:

Scott Y. Nishimoto

TWENTY-SECOND DISTRICT:

Scott K. Saiki

TWENTY-THIRD DISTRICT:

Tom Brower

TWENTY-FOURTH DISTRICT:

Isaac W. Choy

TWENTY-FIFTH DISTRICT:

Della Au Belatti

TWENTY-SIXTH DISTRICT:

Sylvia Luke

TWENTY-SEVENTH DISTRICT:

Corinne W. L. Ching

TWENTY-EIGHTH DISTRICT:

Karl Rhoads

TWENTY-NINTH DISTRICT:

Joey Manahan

THIRTIETH DISTRICT:

John M. Mizuno

THIRTY-FIRST DISTRICT:

Linda Ichiyama

THIRTY-SECOND DISTRICT:

Aaron Ling Johanson

THIRTY-THIRD DISTRICT:

Blake K. Oshiro

THIRTY-FOURTH DISTRICT:

K. Mark Takai

THIRTY-FIFTH DISTRICT:

Henry J. C. Aquino

THIRTY-SIXTH DISTRICT:

Roy M. Takumi

THIRTY-SEVENTH DISTRICT:

Ryan I. Yamane

THIRTY-EIGHTH DISTRICT:

Marilyn B. Lee

THIRTY-NINTH DISTRICT:

Marcus R. Oshiro

FORTIETH DISTRICT:

Sharon E. Har

FORTY-FIRST DISTRICT:

Ty Cullen

FORTY-SECOND DISTRICT:

Rida Cabanilla

FORTY-THIRD DISTRICT:

Kymberly Marcos Pine

FORTY-FOURTH DISTRICT:

Karen Leinani Awana

FORTY-FIFTH DISTRICT:

(Pending Appointment)

FORTY-SIXTH DISTRICT:

Gil Riviere

FORTY-SEVENTH DISTRICT:

Jessica Wooley

FORTY-EIGHTH DISTRICT:

Ken Ito

FORTY-NINTH DISTRICT:

Pono Chong

FIFTIETH DISTRICT:

Cynthia Thielen

FIFTY-FIRST DISTRICT:

Chris Lee

INTRODUCTIONS OF RESOLUTIONS

The following concurrent resolutions (H.C.R. Nos. 1 and 2) were read by the Temporary Clerk and were disposed of as follows:

H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2011," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.C.R. No. 1 was adopted.

H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.C.R. No. 2 was adopted.

At 10:43 o'clock a.m., the Temporary Chair declared a recess, subject to the call of the Chair.

At this time, the Members of the House, their guests and audience were entertained by Sean Na'auao and Friends.

The House of Representatives reconvened at 11:22 o'clock a.m.

At this time the Temporary Chair recognized special guests on the Floor:

The Honorable Governor Neil Abercrombie

Lt. Governor Brian Schatz and Mrs. Linda Schatz

Mayor Alan Arakawa, Maui County

Mr. Wallace Rezentes, Jr., Finance Director, Kauai County, representing Mayor Bernard P. Carvalho, Jr.

Council Member Breene Harimoto, City and County of Honolulu

Chief Justice Mark E. Recktenwald

Justice Paula Nakayama

Justice Simeon Acoba, Jr.

Justice James E. Duffy

Chair Collette Machado, Office of Hawaiian Affairs

Brigadier General Michael Keltz, Deputy Director of Operations, Plans, Requirements and Programs at Pacific Air Forces

Consul General David Binns, Consulate General of Australia

Consul General Yoshihiko Kamo, Consulate General of Japan

Consul General Bong Joo Kim, Consulate General of Korea

Honorary Consul Patricia Y. Lee, Dean of the Consular Corp of Hawaii

Director General Paul Chang, Taipei Economic and Cultural Office

Governor and Mrs. George Ariyoshi

Governor and Mrs. John Waihee

Governor and Mrs. Ben Cayetano

Governor Linda Lingle

The Temporary Chair then recognized Representative Blake Oshiro to deliver remarks on behalf of the Majority Caucus.

Representative B. Oshiro rose, stating:

"Thank you, Mr. Chair. Governor Abercrombie, Lieutenant Governor Schatz, Mrs. Schatz, Mayor Arakawa, Councilman Harimoto, Chief Justice Recktenwald and the other Justices, OHA Chair Machado, all of our other honored guests, and to all of our colleagues, families and friends, aloha everyone.

"I want to thank the Majority Caucus for giving me the opportunity to speak today on behalf of them. I'm going to really start out opening our 26th State Legislature taking a page from our new Administration and their themes about this being a new day. However as everybody knows, there's no way I'm ever going to be able to meet his sheer voltage of speech making or even his volume, and so instead what I'm going to do when I talk about the new day is I'm going to talk in terms of how I see it for what I will call our new freshmen class.

"My esteemed colleague, Representative Ward, will be introducing his Republican new freshmen. But I first wanted to take the opportunity to talk to you about our freshmen class. So at this time, I'd like to first call from District 16, we have Representative Dee Morikawa representing Niihau, Lehua, Koloa and Waimea. Dee.

"Next we have from District 18, Kulioouou, Niu Valley, Aina Haina and Kahala, Mr. Mark Hashem.

"Next from District 31 we have Linda Ichiyama representing Moanalua Valley, Moanalua and Salt Lake.

"And finally we have from District 41 Ty Cullen, Waipahu, Village Park and Waikale.

"And so like I said, when I give a speech I tend to have a little bit of informality to my speech making and I hope nobody takes offense with that. I offer it with a lot of enthusiasm and I hope you take it in the way that it's offered and not get offended. Because really, what I've come to learn in my forty years is, I am who I am. I can't pretend to be anybody else, and so I might as well just go for it and present the way I'm going to present.

"And so with that, I first want to start talking about the new day for our freshmen colleagues. I call this a new day for them because when I look at being a legislator, I think there are three stages to being a legislator. The first one is being a politician, and that is what every single one of us, from the day we file our nomination papers, become. When we're campaigning, we are in politics. We're in the heart and soul of it.

"The second level is a legislator, and that's what you are today. When you are sworn in, you are now an official legislator.

"But I think there is actually a third and higher level that we all need to and want to achieve, and that is to become a statesman or a stateswoman. Because that is truly representing your constituents, and doing it so that you know you're doing what's in the best interest of our entire State. What's in the best interest when you need to create policy, and what's in the best interest for all.

"So what I want to talk about today is the ideal of becoming a statesman. Now, whether I or anybody else in this building qualifies to be a statesman, I'm sure is a very subjective sort of determination for a lot of us. And trust me, along the way during your careers you'll be called many, many things. If you're lucky, statesman will be one of them. But there are many, many other labels that actually happen. But in this time, really what we truly need are statesmen. What we really need are statesmen that are willing to work together or collaboratively so that we can really tackle some of the harshest realities and problems that we have.

"First and foremost, I think, will be our budgetary deficit with an estimated \$700 to \$800 million deficit. That is something we're going to have to really carefully analyze so that we can still preserve important governmental services, but not unduly burden the private sector and our residents. And this is after the last two years where we already closed a \$2.1 billion budget deficit in 2009, and \$1.2 billion in 2010. We did all of this without increasing the GET, without increasing the income tax on 97% of our residents, and without taking the counties' share the Hotel Room Tax. I think that kind of careful approach is something that we will continue to need to do, and strive to as we address this budgetary deficit.

"But we also need to be statesmen because when it comes to our fragile economy, what we need to do is make sure that we're doing it in a way that actually will help, and not hurt. I say this because all of the experts have pretty much agreed we've probably hit rock bottom. But all of them disagree in terms of how long it will take for us to recover, what that rehabilitation will look like, and how long that rehabilitation will take. So those are some of the things we'll have to wrestle through in this coming Session.

"But I do think that there are positive signs out there on the horizon, and as statesmen we must be able to recognize those so we can take advantage of them and posture ourselves, really position ourselves to take advantage of them. Looking at the tourism data, our number one industry, we've already seen that the total spending in November 2010 rose 30.4%, or \$227.8 million. Total expenditures for the first eleven months of 2010 were \$10.3 billion which is a 16% increase compared with the same period last year. And for the third consecutive month since September 2010, the total visitor spending increased by double digits in our islands. So for our number one industry, we appear to be doing okay. However at the end of

the day, what we need to do, and what we need to worry about is protecting jobs. What it comes down to is construction projects.

"Unfortunately there is a careful balance that we need to work through right now. The private sector is not yet up to spending and putting the investment and capital out there in construction projects, so that means it's up to the public sector to do that aggressive spending. And the good news is that our State is on the verge of beginning one of the largest public works projects in our history: Honolulu's mass transit. Honolulu's mass transit project will secure jobs, modernize our transit system and shape our island's growth for generations to come.

"But we must also look at ways to diversify our economy, because we can't just rely on tourism. We can't just rely on construction. We need to look at what are the burgeoning industries out there, whether it's renewable energy, whether it's our high-tech industry, whether it is film, whether it's diversified ag. All of these things we must continue to look at and if they show some promise, properly invest in. Because ultimately what it comes down to is keeping jobs here in Hawaii so that our college graduates and our kids get to stay home and have the ability to make a good life for themselves.

"But finally, there is no more need for us to really look at what a statesman is all about, than when it comes to the tragedy in Arizona. For that, I'd like to quote President Obama who made the following remarks:

As we discuss these issues, let us do so with a good dose of humility. Rather than pointing fingers, or assigning blame, let us use this occasion to expand our moral imaginations, to listen to each other more carefully, to sharpen our instincts for empathy, and to remind ourselves of all the ways that our hopes and dreams are bound together.

"What this tragedy unfortunately has shown us, what it's brought to light is really the need for us to get past some of the vitriol and venom when we are in our debates and our political rhetoric. What we need to do is work hard, develop skills at becoming a legislator, and rise to become a statesman. And then we can have a higher level of discussion and discourse, and we can hopefully engage and inspire our public.

"Finally as I close, I think it's kind of inaccurate or maybe misleading for me if I don't bring up the sort of, 'elephant in the room,' and that would be civil unions. For that, I can't really speak on behalf of the Majority. I can't speak on behalf of any Party because this is not a partisan issue. It's not a Caucus issue. What I do want to do is bring that back to the idea of being a statesman, because at the end of the day what we must do is allow ourselves to have an honest and open debate on this topic, and to avoid labels and rhetoric. To find ultimately what is just, and not just let justice become subjugated by economics. We can do both, and so we shall do both.

"Finally, I want to leave us these thoughts on what I think it means for us to be just. To be guided by truth, and reason, and fairness. To get beyond our personal conflicts, or past our political expediency or re-electability. That is ultimately what we must seek as our North Star, our constant point when we navigate through new and unexplored territories and policies.

"When we ride through the waves of uncertainty, we must hold fast to our gut belief of what is just. And so as long as we do, whether we're on the Floor, whether we're in hearings, whether we are talking with the Administration, or sometimes whether we're even in our own Caucus, we can always look back and know that what we did was what we needed to do, and what we were elected to do. Thank you, very much."

The Temporary Chair then recognized Representative Gene Ward to deliver remarks on behalf of the Minority Caucus.

Representative Ward rose, stating:

"*Aloha mai kakou.* Aloha. Welcome to the people's house, your House of Representatives. The place I like to call the marketplace of ideas because this Session, we're going to have a lot of ideas. So Mr. Chairman,

Governor Abercrombie, Lieutenant Governor Schatz, Chief Justice Recktenwald and fellow Supreme Court Justices, former Governors, George Ariyoshi and his wife, John Waihee, Ben Cayetano, and Linda Lingle, thank you for spending your valuable time with us today. County mayors, county councilmen, members of the Consular Corp, special corporate and University guests, ladies and gentlemen, and the great people of the great State of Hawaii. *Mahalo nui loa* for being here, taking your valuable time to come to what is probably one of the most important first days of the Session, because this is when the business of, by, and for the people begins, and we will begin today. I'm very confident of that.

"Today marks a very critical juncture in our history. We have an \$800 million deficit that was mentioned earlier. We have jobs to create. We have an economy to turn around. And we have a new system of educational governance to establish, and a host of other issues, a whole lot of issues to do. It's going to be very busy. It's going to be very intense, but I am very, very confident it's going to be positive. It's going to be productive and it's going to work out okay. Kahu, thank you for your encouragement for that.

"But like my counterpart in the Majority, I too want to acknowledge three new partners who are going to make this Session work well. Allow me a moment to introduce the members of the Freshmen Caucus on the Republican side, almost equal to the numbers on the Democratic side for the first time in a long, long time.

"Without further ado, I'm proud to recognize the addition of Representative George Fontaine from Maui, a retired police captain who has the passion, expertise, and twenty-five years of experience in public safety, law, and justice. Please acknowledge him. He's also the tallest member of the Caucus.

"Also new to the Caucus is a graduate of Yale University, a former member of the White House staff, and the US Mint. He's returning home after graduating from Moanalua High School. And he doesn't want me to say this, but he was the former State debate champion and we expect a lot of good discussion here from Representative Aaron Johanson. Aaron, please stand to be recognized.

"Our next new member answers to the moniker, 'Keep the Country Country.' Big enough hint? He's from the North Shore, widely known for his work in keeping the country, country. He, with a group of others, actually took on the Supreme Court with an outdated EIS and actually ended up winning. Please welcome Representative Gil Riviere. Gil.

"Mr. Chairman, I introduced those people not just so the public and our Members can know them, but because with the other five senior members, the veterans, we represent collectively the majority of the Legislatures in the country of the USA, and a quarter million of the residents that are here. And not only that Mr. Speaker, but the core values that are in the majority of the Legislatures, as well as the US Congress.

"So Mr. Speaker, I say that with pride, but I say it also with the note of what are our core values. What we are going to speak on the Floor here about, our core values of our 'Team Eight.'

"First we will speak out loud and clear not to raise taxes, particularly the GE Tax. Second we will be the watchdogs for fiscal discipline and controlling government spending. Thirdly we will work tirelessly to create a better environment for our local small businesses to thrive, as well as create new jobs. Fourth we will insist on more open and accountable government, especially when it comes to finances and education. And lastly, we'll speak out loud and clear on this Floor about educational excellence and stimulating and accelerating student learning in the Aloha State.

"Okay, let's look at the first core value, no new taxes. You've heard that one before Mr. Chair, ladies and gentlemen. We will be submitting legislation that requires a super majority to increase your taxes and your fees before anything can pass this House. We'll also have fiscal notes where you will have a price tag on everything, what it's going to cost you for every piece of legislation that we are going to pass. Those are things

that are long overdue. It's commonsensical. That's going to be part of our legislative package.

"Mr. Speaker, I also, and both in acknowledging what you and Governor Abercrombie have mentioned, that you will not raise the GE Tax. Thank you for coming out loudly. And thank you for coming out early in that commitment. Governor, I appreciate that. However Governor Abercrombie has said or implied, that he will not furlough government workers, or send prisoners to the mainland, or cut back on invasive species or other government workers, or withhold or delay income tax refunds just to name a few of the hard, tough issues that are going up to the Fifth Floor for decisions. Well, promises made should be promises kept. The economic realities that face us today are daunting, but they are not insurmountable. They simply call for realistic solutions. Again, working together we can, and will, balance the budget. Governor, I'm totally convinced of that.

"Now regarding our core value to create a better environment for our local small businesses so they can thrive and they can create more jobs. Our Caucus wants to stimulate creation of thousands of new green jobs - I repeat, green jobs, by pushing for legislation that puts photovoltaic systems on every roof in this State with no upfront costs. We have the capacity to do this. We need the political will to accomplish it. In this regard, I want to welcome back Governor Lingle to this Chamber and thank her for her service for the past eight years that she served the people of Hawaii. She introduced the Hawaii Clean Energy Initiative whereby we will be clean energy, self-sufficient in 20 years. Thank you, Governor Lingle, for setting us on the right path. We must think and act as real leaders in this area and reject mediocrity particularly when it comes to harnessing the sun, the wind, geothermal, ocean temperature inversion, and yes, even Representative Thielen's favorite, wave energy. We expect you to be pushing this.

"But Mr. Speaker, 2011 is our opportunity to excel in this area and achieve new heights in energy self-sufficiency. We must not think small. We must think big. We are the kinetic. We are the potential world leaders in this. We've got to come together to decide if we will have solar, we will have photovoltaic, because I know we can do it. There are bills and there are methods that can happen, and with the political will, my colleagues, it can be done.

"However, Mr. Chair and my fellow Members, even though we have the potential to lead the world, I'm afraid we need to trim some excess baggage before we can do it. I submit that one thing that could hold us back from world greatness, and remember APEC is coming soon, it is our educational system. Putting it bluntly, Hawaii has lived off of its good looks for too long and now we have to start living off our brains. In short, we must help our students accelerate their learning capacity. To do this, we will introduce legislation that will enable high school students in 11th grade who pass the SAT and AP Test and qualify to get into University of Hawaii, and I saw President M.R.C. Greenwood here, to get into the University of Hawaii, and then skip the 12th grade.

"You study hard and this 'skip a grade' program also comes with a scholarship to the University of Hawaii. It costs about \$10,000 to keep a student into the Hawaii high school system. \$5,000 of that will be moved to the University of Hawaii for scholarship and the other \$5,000 share goes back into the general fund which we know is lacking. So this is a win-win for all. Thank you, Governor Lingle.

"This is the Accelerated Learning bill and it's a win-win for our students, for our educational system, as well as the State budget. Mr. Chairman and colleagues, I hope you will join us in this leapfrogging effort to get more of Hawaii's students into college and excited about their futures. Again, thanks to Governor Lingle, we've made great strides with STEM education and especially robotics. So now is the time to build on this effort. Now is the time to incentivize student learning. And now is the time to assist our future leaders to solve real world problems. Let's let them skip a grade and get a leg up on their careers.

"In summary Mr. Chair and colleagues, your House Republicans have a bold, comprehensive and robust agenda for this Session. We want to ensure taxes are not raised. We want to create jobs. We're going to make sure our public students in school excel. And at the same time, maintain a

fiscally responsible government that is open and accountable to you, the people of Hawaii. We are laser-focused on achieving this. We look forward to working with every Member in this room, caucus, non-caucus, public, and those who have given their years working for the State of Hawaii. We can do it, my fellow colleagues. We must do it. We shall do it. Thank you, and *aloha*. God bless the State of Hawaii, the people of Hawaii, and this great nation."

At this time, the Temporary Chair appointed the Sergeant-at-Arms to escort Reverend Eric Matsumoto of the Mo'ili'ili Hongwanji Mission to the rostrum.

Reverend Matsumoto then offered the benediction.

At this time, the Temporary Chair announced:

"Thank you, Reverend Matsumoto. Members, the House will stand in recess and reconvene today at 3:00 p.m."

At 11:52 o'clock a.m. the Temporary Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:16 o'clock p.m.

The Temporary Chair then announced:

"Thank you, Members. At this point, we will recess until 4:00 p.m. Thank you."

At 3:17 o'clock p.m. the Temporary Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:39 o'clock p.m.

At this time, the Temporary Chair announced:

"Members, please refer to your 3:00 p.m. agenda. We will take House Resolution No. 3 out of order."

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 3) was read by the Clerk and disposed of as follows:

H.R. No. 3, entitled: "HOUSE RESOLUTION ELECTING THE OFFICERS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," resolving that the following persons be elected as officers of the House: Patricia Mau-Shimizu, Chief Clerk; Kevin R. Kuroda, Sergeant-at-Arms; Brian Takeshita, Assistant Clerk; and Leonard Paresa, Jr., Assistant Sergeant-at-Arms, was jointly offered by Representatives B. Oshiro and Ward.

Representative Ward moved that H.R. No. 3 be adopted.

At 4:40 o'clock p.m. Representative B. Oshiro requested a recess, and the Temporary Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:40 o'clock p.m.

Representative B. Oshiro seconded the motion to adopt H.R. No. 3.

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

Representative B. Oshiro's written remarks are as follows:

"Mr. Speaker, I would like to take this time to offer my sincerest appreciation to all the newly elected officers of the House of Representatives. I also want to give my personal thanks to retiring Assistant Chief Clerk, CJ Leong. I have personally appreciated, and benefitted from, CJ's excellence in administering the duties of her office. Those duties, unfortunately, do not always get the attention they deserve – and by extension, CJ too rarely receives the recognition she deserves.

"Her actions however ensure that everything runs smoothly during Session, that measures are filed and received on time, that the Chief Clerk's staff are well taken care of. She is one of the first people in the House every morning, and one of the last to leave – she is devoted to this institution and it shows.

"CJ also has a tremendous sense of humor. I will never forget being greeted by a desk full of giant *Pulelehua*, Kamehameha butterflies, on the day that my Resolution to make this organism our State insect was heard on the House Floor.

"On behalf of my colleagues in the House, I thank CJ Leong for her service as Assistant Chief Clerk and I look forward to working with her in her future capacity."

The motion was put to vote by the Chair and carried, and H.R. No. 3 was adopted.

Thereafter, the Temporary Chair administered the Oath of Office to the officers named.

The following resolution (H.R. No. 2) was read by the Clerk and disposed of as follows:

H.R. No. 2, entitled: "HOUSE RESOLUTION ELECTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," electing the Honorable Calvin K.Y. Say, Representative from the Twentieth District, be elected as Speaker of the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, was jointly offered by Representatives M. Oshiro and Choy.

Representative Takumi moved that H.R. No. 2 be adopted, seconded by Representative Ward.

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

"Mr. Speaker, I'm in support of the Resolution. Mr. Speaker, this Resolution is to place our honorable Calvin K.Y. Say as the Speaker of the House of Representatives and I am in support of this Resolution. I want to thank all of my colleagues for putting the people of Hawaii first today. I especially want to thank my Republican colleagues here who I am extraordinarily proud of.

"Our Majority Leader earlier this morning talked about the different types of leadership. He talked about being a statesman. Sometimes that is the hardest type of leader to be, especially when you're being pulled in all of these different directions. And sometimes being the best statesman means you have to do something extraordinary, something you don't really want to do, but you know that it's right.

"And so I'm very proud of my fellow Republican colleagues here because they did something very extraordinary not so long ago. They sent up our support for a Speaker of the House. Not necessarily our first choice, but our first choice in the end is the people of Hawaii and doing their business. And so I'm very proud of them for stepping up first to do that, and I'm extraordinarily proud of the Members of the House here for in the end, and the end of this very first day Mr. Speaker, that we all were statesmen. Mahalo very much to all of you."

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

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

"Thank you, Mr. Chairman. I rise in support of this House Resolution No. 2. Three points are all I need to make.

"I. All eligible Members of this House should be allowed to vote for the Speaker

"We all are here because we each won our respective elections, having received more votes than our opponents or competitors. I think all of us, except a few fortunate colleagues, faced some competition and our constituents were presented with a choice. But the fact that we are here this day, you and I, is a direct result of recent elections when we were candidates and our constituents cast their votes. And, whether they voted for you or against you, each voter had but one vote.

"Democrats had one vote and Republicans had one vote, too. So, too, did Independents. This principle of "one-man, one-vote" is so deeply rooted in the traditions of our democracy that one could not reasonably consider anything else.

"Mr. Chairman, I believe it was not more than 6 hours ago that we all stood in this Chamber and took a public oath to defend and uphold the Constitutions of the United States of America and the State of Hawaii. As such, I cannot imagine anyone among us, duly elected, officially credentialed, and under oath to uphold the Constitution of the United States of America and the State of Hawaii, would even consider for a minute to disenfranchise a Member of this Body from voting due to his or her political pedigree or association.

"But that seems to be the gist of the argument that some have raised in suggesting that we, your Majority, should not accept the Minority's vote on who shall serve as our Speaker of the House of Representatives. Unfortunately, this type of thinking reveals a misunderstanding of law that compels and requires the Majority to recognize a Minority's vote. It is not a question of discretion or choice to "accept" or not "accept" a Minority Member's vote, but simply whether we will act in accordance with the principle of "one-man, one-vote" and equality under our Federal and State Constitutions, laws, and be a state of "laws and not men."

"Mr. Chairman, neither you nor any Member of this Body can deny me my duty to cast a vote without first finding me ineligible or excused from that duty. I cannot imagine, at this juncture, and at this early stage of the 26th Legislature, that you or this Body would deny any Member his or her right, and even duty, to cast a vote. Should I be in plain error, in either fact or law, I ask my colleagues' indulgence and assistance to set me straight. For I cannot, by any stretch of the imagination, contemplate how anyone would stand in this Chamber and explain to us all, how and by what means a presiding Chair of a House session may exclude a Minority Member from voting for the Office of House Speaker. I have raised this same issue and had similar discussions in other forums, both public and private, and no one, not once, has ever offered any advice on how this may be accomplished without violating the State Constitution, law, or principle. As such, any suggestion that adhering to the law and following the equal protection principles therein is against one's membership in a private political party is simple absurd. It is also incongruent to the principles and traditions of the Democratic Party of Hawaii of which I boast membership and loyalty to. Indeed, in this regard, the words of former Senate President Richard "Dickie" Wong, former Governor Benjamin Cayetano, Hawaii Mayor Dante Carpenter, and current Governor Abercrombie, first spoken when all four were State Senators in 1981, are both interesting and instructive.

"Senator [D.G.] Anderson, for the public's information and your information, the Democrats are trying to resolve the problems. It's very difficult and all of us seated in this chamber understand what some of the problems are. They are not something that is simply resolved and I ask patience from the Minority; I ask patience from the general public.

"It's always been my philosophy that since the people of Hawaii elected the Democrats as the Majority here in the State Senate, it is our responsibility to organize the Senate. What is more important is that as we are responsible for organizing the Senate, we should be held accountable for whatever action takes place in this body. This will be reflected in the elections forthcoming two years from now. We

understand what the consequences are if we don't resolve our problems and I think we should be willing to suffer those consequences when the will of the people is made known to us two years from now.

"We are trying, Senator Anderson. I hope that we can resolve our differences and we will keep the Minority informed."

– Richard "Dickie" Wong, Senate President, 4th day of session

"Mr. President, I would like to add a few remarks to this occasion – this very historic occasion.

"I thank the previous speaker for his remarks. I think, however, if the attitude he displayed continues through the session we will continue to have these historic occasions every two years.

"I think the people of this State are less concerned today about party lines and party loyalties than they are about their elected officials getting to work and getting the job done. No Senator here, on our side, Mr. President, is a 'hostage' of any organization or party. In fact, I think, if there was one common thread running through the coalition, it was that this Senate be kept independent and free and that this Senate operate as a check on the other two branches of government.

"I hope the Minority, in this case, will step back and reflect about what has happened and join us in a very constructive approach to doing the best we can for our people."

– Senator Benjamin Cayetano, Fourth District, 8th day of session

"In his remarks, Mr. President, the chairman dwelled on the issue of Party loyalty. Our modern day political parties have been sterilized by its own ideas. There have been passed down from generation to generation a collection of concepts which are so hallowed and so dense that their only use is to excite emotions and to obscure reason and insight. How many of us really know what we are talking about when we use words like the State, democracy, Republican, party, liberty and loyalty?

"Very few of us could define these terms under strong questioning. And yet we say them frequently and write about them a lot. These terms have ceased to be intellectual instruments for apprehending the facts we have to deal with and have become push buttons which are used to touch off knee-jerk emotional responses which can be destructive.

"Mr. President, some philosopher – I forgot who he was – once said that in matters of political debate Patriotism is the last refuge of every scoundrel. Well, I submit to you, the question of party loyalty must rate a close second."

– Senator Benjamin Cayetano, Fourth District, 10th day of session

"Mr. President, I think that we have come one step closer to the original intent of our United States Constitution and approach more closely a government 'of the people, for the people and by the people.' Douglas L. Edmonds, a noted juror, once stated, 'How many of us are waiting for the opportunity to do some great thing for the betterment of our community, forgetting that the solution of the problem requires only the active intelligent fulfillment of individual civic duty. The only things which are wrong about our government are the things which are wrong with you and me. Democracy is never a thing done; it is and always will be a goal to be achieved. It means action, not passive acquiescence in things as they are; it requires alertness to duty, a dynamic faith, a willingness to give for the good of all. It can live only as a result of loyalty and devotion to its principles expressed by daily deeds.'

"Mr. President, ours is certainly a new era where the people will now be represented by individuals and not only by special interest groups.

"And, Mr. President, now that I approach the responsibility of the Judiciary Committee I shall bring to the people new ideas and goals more representative to them than to the special groups who have in the past dominated this area.

"As a marine/mechanical engineer and former County Councilman, I am open to all ideas. I will place above all, the people's desires second to none, and 'where justice is for all.'

"I ask the people of this State not to prejudge any of our actions until the facts are in and the deeds are done."

– Senator Dante Carpenter, First District, 10th day of session

"In respect of some of the previous remarks, I think it is important for the benefit of the public who have observed the proceedings up to this point – in many instances finding it difficult to understand why it is that 25, presumably reasonable people, found it so difficult to put together a combination that will allow the Senate to be organized and to conduct business that they know the reasoning behind it. This has been referred to so often this morning and on other occasions.

"The reason, Mr. President, is a simple one. All of us have special interests; every man and woman on this floor has a special interest. The difference is that when that special interest becomes a private interest at the expense of the public interest, and all the high-flying rhetoric about parties and people's business cannot obscure for a moment that when power-brokers gather together to try to turn their special interest into private interest at the expense of the public interest, it is the public that loses.

"It is far better to go 60 hours, 60 days, 60 years to protect and defend one's fidelity to the Constitution that requires us to conduct ourselves in a manner befitting public policy, than it is to compromise to the point where that public policy in turn finds itself in a disastrous situation.

"We have succeeded with this coalition in protecting the public interest. Each of us with our special interest has subsumed those special interests to the public interest. It is no secret that many of us would have preferred one committee to another committee, but we were asked to look at the big picture – look at the broader consequences; to consider making moves and sharing committee assignments in order that we be able to protect the independence of this body from the power-brokers that seek to subvert that independence.

"The people of this State benefit, therefore, by having a legislative body which is issue-oriented and where the particular desires of individual Senators are submerged in a picture that allows us to see what the public interest is. That's what we're striving to do.

"To that extent, a message has gone forward today and it will require the talent of all of us because this is just the beginning. A message has gone forward that as far as this Senate organization is concerned, each and every group will have to present its point of view and trust that it can prevail on its merits. That is what we are striving to do. If we are able to assume fidelity to that purpose and carry through on it to the end of the 60 days, we will have succeeded.

"I for one will be more than happy, in the upcoming election, to explain my role and to defend my role, which in turn has defended the independence of this body so that the taxpayers and citizens of this State can be assured that constitutional government, on their behalf, has taken place rather than a sell-out to power-brokers who would subvert and destroy everything that the people of our State have worked so hard to put together for their lives. Thank you."

– Senator Neil Abercrombie, Sixth District, 8th day of session

"Mr. Chairman, I hope these thoughts and ideas are taken as they are given. Simply to remind ourselves that when important principles collide

with similarly important political values, it is the principles that must trump the latter. As my esteemed and learned colleague of common surname made clear this Opening Day, we should all strive to be statesmen and stateswomen in our service to the people of Hawaii.

"II. The best person for the job of Speaker is the current Speaker

"The second reason I rise in support of this Resolution is the plain facts. The simple truth is that under the Speakership of the Representative from St. Louis Heights, Palolo Valley, Maunalani Heights, Wilhelmina Rise and Kaimuki, House District 20, we have done well for the people of Hawaii and this institution. Under his leadership we have accomplished some very good things for Hawaii's people. These recent policy declarations and achievements come to mind when I think about Speaker Say's tenure:

- Led the House during the terms of both a Democrat Governor and Republican Governor;
- Collective Bargaining and Civil Service Reform;
- Converted the Public Employees Health Fund to the Employer-Union Trust Fund and Employee Hybrid-Benefits enactment;
- Guided Comprehensive Campaign Spending Law reform;
- Presided over Post 9/11 Special Session;
- Led House through worst recession since 1930s;
- Led House in addressing 2.1 Billion dollar biennial budget shortfall;
- Led House in addressing 1.2 Billion dollar budget shortfall;
- Established the Legacy Lands Funds to protect lands in perpetuity;
- Established a Card Check Union Representation Process for Agricultural Workers;
- Passed the Fix Hawaii Schools Act, which provided public school students an optimal learning environment by funding the repair, maintenance, and renovation of public school facilities statewide;
- Adopted a State Energy Strategy that included increasing the Renewable Energy Technology Tax Credit for certain renewable energy systems and making the tax credit permanent;
- Established the Hawaii Medal of Honor, awarded by the Legislature by Concurrent Resolution to individuals who demonstrated the highest levels of valor in making the ultimate sacrifice;
- Passed the Keiki Care law, which made Hawaii the first state in the nation to ensure that every child is covered by health insurance;
- Pushed for efforts to promote economic development for local food and energy businesses by establishing necessary funding through a small tax increase on a barrel of oil;
- Prevented employers from discriminating against an employee or refusing to hire a potential employee because of the individual's credit history or credit report;
- Passed the Bottle Bill;
- Established an appointed State Board of Education;
- Brought to the Floor a bill establishing a State Civil Unions Law.

"These are just a handful among many, many other Legislative and policy achievements. The actual list would take several pages to complete, but the undeniable record of accomplishment during his tenure is historical fact and it is substantial. Certainly, this is not to diminish the importance and essential work of the Committee Chairs and Vice-Chairs, nor to

disparage the importance of the Majority Caucus and its leaders. The Chairs and Vice-Chairs are without any doubt key players of any significant policy declarations and to whom much credit should be and is attributed. The pre-session work, public briefings, public hearings, the drafting and redrafting of bills and committee reports, and the conference committees, and unlimited number of public and private discussions – all have contributed to the passage of these extraordinary measures and public policy. Likewise, my highlight of the Representative from Palolo Valley should not be construed to overshadow the significance of the Caucus leaders, who, unbeknownst to many of us, worked in the trenches, day-in and day-out, and bore the brunt of public criticism with cool composure on some of the most controversial measures of the day.

"Indeed, a sports analogy, particularly my favorite, football, best describes how the Majority Caucus team over the years has both advanced and defended our goals and objectives. Of course, as with any football team, there have been a few fumbles, interceptions, miscues, blocked kicks, and even sacks, along with touch-backs, penalties, and bad calls. Additionally, throughout the seasons there have always been the "Monday Morning Quarterbacks," "sofa coaches," and peanut gallery, but despite the imperfect performance of each team member, at every occasion, and at every opportunity, we have done well as a team, and our record of achievement is indisputable. And, as we usually credit the Quarterback for engineering the advancement to the goal, the periodic adjusting and constant strategizing, and for even taking the occasional hard hits for the team, whether it be Timmy Chang, Colt Brennan, Andrew Manley, or even Bryant Moniz, the same can be said for the Representative from Palolo. And, for these and similar reasons, I believe I speak for the majority of the Members of this Body, on this particular point, based upon the plain facts set in the public record.

"III. Term Limitations on the Speaker of the House are Shortsighted

"Finally, let me discuss what has been a topic of public discussion regarding the tenure of the incumbent speaker as a basis for he or she being unqualified or disqualified for the Speakership role. In effect, the argument is a based upon a theory of limiting one's service to that post and prohibiting the choice for service beyond a set amount of time. Further, the term limit argument suggests that mere passage of time, for some strange reason, makes one's service undesirable, period– that is, without the examination of fact or measure or analysis or evaluation of fact and fiction regarding the qualifications of the one occupying a post or seat – that one must be removed merely due to the passage of time as measured on a calendar or clock. It turns off the mental facilities and lashes reason to the natural rising and setting of the sun and moon, passage of seasons, and ocean tides, and not one iota, zero, zilch, of reason or human thought.

"It reminds me of the deceptive political propaganda of Republican leader Newt Gingrich, who made the term-limited legislature vogue in the early 1990s. That we are seeing some resurgence of this ill-conceived "progressive" or "good government" policy this day, under the guise of "change," is both sad and frightening. For if we would entertain the notion of term-limiting our Speaker, or any other post or assignment, whether Chair or Vice-Chair or membership, too, we would and probably should expose our own tenure as elected officials to the same consideration and under the same simple notion of "change." To me, that is scary – I dare say, a dangerous proposition – when I consider all I have learned about and studied on the effects of term limits on State Legislatures.

"Mr. Chairman, the facts are term-limited Legislatures hardly demonstrate the ascribed benefits of the time restrictions and in many instances weaken the institution and its ability to reflect the desires of the electorate. I would encourage any Member to seek advice of our peers in those states that have term limits; their impressions may give you pause to reconsider. So, let's put away these short-termed notions of term-limited change for time around the campfire when we want to scare ourselves and keep the impressionable up all night. Finally, it is ironic, and perhaps inadvertent to some of the discussions, that should this policy be adopted, several members of our caucus would be deemed ineligible and would have to relinquish their posts immediately.

"In closing, let me thank you, Mr. Chairman, for maintaining the decorum of this Chamber and for carrying forth your duty with much grace

and dignity. I appreciate the tremendous uncertainty and pressure you are under and know how hard it must be to maintain one's public and private composure. You have my admiration and deep respect.

"Finally, thank you, Representative of District 20, St. Louis Heights, Palolo Valley, Maunalani Heights, Wilhelmina Rise and Kaimuki, for being decisive, honest, conciliatory, transparent, magnanimous, patient and authentic during the 10 weeks since the 2010 General Elections. I, among many others, have personally witnessed you reaching out to all Members of the Democratic Caucus.

"Second, you have reminded all Members that honest communication is a two-way street and that sometimes one cannot impose reason and facts upon these complex and complicated human processes. We are all unique individuals with unique idiosyncrasies and healthy egos. There will always be those whose desires will reveal their bias and prejudice. But, through it all, you remained true to the higher calling of the Speaker's Office and thereby have honored this institution and those who have served and will serve tomorrow. For these reasons, among others, thank you very much for your service to your Democratic Caucus and this State House of Representatives.

"Mr. Chairman, thank you. I yield the Floor."

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

Representative Choy's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this Resolution to elect the Representative from Palolo to the position of Speaker of the Hawaii State House of Representatives during the 26th Legislature.

"Mr. Speaker, at this time in the history of the State of Hawaii, there is no better individual in this Body to assume this position. We are again headed for a Legislative Session where fiscal responsibility will be the order of the day. The Representative from Palolo has taken on very difficult issues such as labor costs, taxes, balancing our budget, protecting our safety nets and unfortunately cutting programs and expenses.

"Very few people, during the last two years, have had a vision and stepped up to take a leadership position during these trying times. The Representative from Palolo is one of those people who did not shy away from his duties. He even had the audacity to remind us that we are here to represent the ordinary populace; the ones not represented by special interest groups and lobbyists.

"In our domain that we call the State Capitol of the great State of Hawaii, we provide the people of our state the leadership to govern ourselves with a spirit of respect & humility. The use of power, especially great power, requires wisdom and restraint. We find ourselves confronted with the question of the definition of leadership & what qualities demonstrate those of a great leader.

"We could just peruse the laundry list of definitions. However, because these trying times in history, we need something more, someone better than the mere words. What we are searching for is greatness in a leader. Ironically, a good leader should also be a good follower. He can demonstrate by example – thus, the difference between a leader and a boss.

"The two most important qualities of an extraordinary leader is the ability to communicate a vision and to be trustworthy. At the same time, we need and want someone to make sound and timely decisions. In addition, will this decision come from an enlightened and inspired perspective?

"We call the practice of medicine an "art" as well as a "science." We can add being an effective leader to that list because the truly great leaders have the technical knowledge, as well as the skill set to motivate and stimulate us into performing not only up to our abilities, but also beyond what we think we are capable of accomplishing. The Representative from Palolo can be this person.

"Mr. Speaker, you and I have been in negotiations since November to resolve the matter of who should be the next Speaker; I thank you for the forthright discussions and gentlemanly demeanor. I wish we could have resolved this situation together, unfortunately we were both furloughed. But I am satisfied that the attempts we made have resulted in a more open process, collaboration and transparency. Something which future Speakers of this House will certainly have to live up to.

"Mr. Speaker, there were some disappointments in our discussions, although gamesmanship is a tool that I am thoroughly familiar with; it was disappointing that the people's business was put on hold. It was also disappointing how "change" was the war cry, but "change" was never defined. Change without direction is just a waste of time.

"Mr. Speaker, it is time to get on with the people's business, we may not have gotten all of the results that we hoped for, but it is time to move on. Again I stand in strong support for Representative Calvin Say as Speaker of the House. Thank you."

The motion was put to vote by the Temporary Chair and carried, and H.R. No. 2 was adopted.

The Sergeant-at-Arms then escorted the newly elected Speaker to the rostrum, who was presented with the gavel.

Speaker Calvin K.Y. Say assumed the rostrum and addressed the Body, stating:

"Thank you, very much, Members. To all of you, thank you very much for your vote of confidence and support. I pledge to all of you that I will execute my duties and responsibilities with fairness, consistent with Hawaii's Constitution and the Hawaii State Statutes. I did not have a prepared speech for all of you this afternoon, but I wanted to go back to a time where we, as a nation, were in turmoil. And what I would like to share with you is a speech that was given by one of the greatest Presidents this country ever had, and that was President Abraham Lincoln. This was at his second inaugural address. So with your permission President Lincoln and all of you, may I begin with this dissertation?

At this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While at the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy without war - seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid

against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses for it must needs be that offenses come, but woe to that man by whom that offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both the North and the South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

"I truly hope this Inaugural Address addresses what has happened these past two and half months. We are all here for the greater good of serving the Lord and the people of the State of Hawaii. I thank you very much for your vote of confidence and if there's anything I can do, please do not hesitate to call upon me."

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 4) was read by the Clerk and disposed of as follows:

H.R. No. 4, entitled: "HOUSE RESOLUTION SENDING MESSAGES THAT THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE HAS ASSEMBLED AND IS READY TO TRANSACT BUSINESS," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, H.R. No. 4 was adopted.

ADJOURNMENT

At 4:56 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Ward and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, January 20, 2011.

SECOND DAY

Thursday, January 20, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:09 o'clock p.m., with the Speaker presiding.

The ecumenical invocation was delivered by Representative Pono Chong, after which the Roll was called showing all Members present with the exception of Representative Souki, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 471-10 through 496-10) were received by the Clerk and were placed on file:

Gov. Msg. No. 471-10, dated August 26, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Act 162, Part 7, Section 159, SLH 2009.

Gov. Msg. No. 472-10, dated August 26, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Act 162, Part 7, Section 158, SLH 2009, and Section 346-51.5, HRS.

Gov. Msg. No. 473-10, dated September 1, 2010, transmitting the Department of Taxation's Descriptive Statistics on the Operations of Qualified High Technology Businesses from 2000 through 2009, Addendum to the Report of September 2009 as required by Act 206, Session Laws of Hawaii 2007.

Gov. Msg. No. 474-10, dated September 2, 2010, transmitting the Variance Report for FYs 2009-10, pursuant to Section 37-75, HRS, Variance Report.

Gov. Msg. No. 475-10, dated October 1, 2010, transmitting the Department of Accounting and General Services' Report on the Wireless Enhanced 911 Fund to comply with SCR 180.

Gov. Msg. No. 476-10, dated September 23, 2010, transmitting the report on the Economic Impacts of Agricultural Reservoir Closures in Hawaii as required pursuant to Act 118, Session Laws of Hawaii 2006.

Gov. Msg. No. 477-10, dated September 30, 2010, transmitting the Annual Report on Administratively Established Appropriations as required pursuant to Act 178, Session Laws of Hawaii 2002.

Gov. Msg. No. 478-10, dated October 8, 2010, transmitting the Department of Land and Natural Resources' report, Security Breach Of Personal Information as required by Section 487N-4, Hawaii Revised Statutes.

Gov. Msg. No. 479-10, dated October 11, 2010, transmitting the Hawaii Department of Agriculture's Report of establishment of two federally funded civil service positions as required in Act 180, Section 134, SLH 2010.

Gov. Msg. No. 480-10, dated October 10, 2010, transmitting the Report on the Number of Pen Register Orders and Orders for Trap and Trace Devices Applied For by Law Enforcement Agencies of the State, pursuant to section 803-47(c), Hawaii Revised Statutes.

Gov. Msg. No. 481-10, dated October 25, 2010, transmitting the Department of the Attorney General's Report on the Antitrust Trust Fund, pursuant to section 28-13(d), Hawaii Revised Statutes.

Gov. Msg. No. 482-10, dated October 25, 2010, transmitting the Department of the Attorney General's Report on the Tobacco Enforcement Special Fund, pursuant to section 28-15(d), Hawaii Revised Statutes.

Gov. Msg. No. 483-10, dated October 25, 2010, transmitting the Department of the Attorney General's Report on the Use of the Hawaii Omnibus Criminal Forfeiture Act, pursuant to section 712A-16(c), Hawaii Revised Statutes.

Gov. Msg. No. 484-10, dated October 25, 2010, transmitting the Department of the Attorney General's Goals and Objectives, pursuant to Act 100, Session Laws of Hawaii 1999, as amended by Act 154, Session Laws of Hawaii 2005.

Gov. Msg. No. 485-10, dated October 29, 2010, transmitting the 2010 Annual Report of Hawaii Strategic Development Corporation pursuant to Act 211F, Section 15.

Gov. Msg. No. 486-10, dated October 28, 2010, transmitting the annual report for the Pesticide Use Revolving Fund for Fiscal Year 2010 as required pursuant to Section 149A-13.5(f), Hawaii Revised Statutes.

Gov. Msg. No. 487-10, dated November 5, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Section 346-319, Hawaii Revised Statutes, Hawaii Rx Plus Program Report.

Gov. Msg. No. 488-10, dated November 5, 2010, transmitting the Department of Human Services' Report to the Legislature as required by Act 191, Section 24, SLH 2010, Adult Dental Care in QUEST.

Gov. Msg. No. 489-10, dated November 17, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Hoisting Machine Operators Advisory Board Annual Report for fiscal year ending June 30, 2010, as required by Section 396-20, Hawaii Revised Statutes.

Gov. Msg. No. 490-10, dated November 24, 2010, transmitting the Report of the Construction Site Inspection Task Force as required by Act 121, SLH 2010.

Gov. Msg. No. 491-10, dated November 26, 2010, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the fiscal year ended June 30, 2008, prepared by the Comptroller, pursuant to Section 40-5, Hawaii Revised Statutes.

Gov. Msg. No. 492-10, dated November 29, 2010, transmitting the Department of Labor and Industrial Relations' Employment and Training Fund Program (ETF) report for the fiscal year ending June 30, 2010, as required by Section 383-128, Hawaii Revised Statutes.

Gov. Msg. No. 493-10, dated November 29, 2010, transmitting the Department of Labor and Industrial Relations' Reports on the following Non-General Fund Information for the fiscal year ending June 30, 2010:

1. Unemployment Insurance Trust Fund as required by Chapter 383-121, Hawaii Revised Statutes;
2. Special Unemployment Insurance Administration Fund as required by Chapter 383-127, Hawaii Revised Statutes;
3. Employment and Training Fund as required by Chapter 383-128, Hawaii Revised Statutes;
4. Special Compensation Fund (SCF) as required by Chapter 386-151, Hawaii Revised Statutes;
5. Special Fund for Temporary Disability Benefits (TDI) as required by Chapter 392-61, Hawaii Revised Statutes; and
6. Premium Supplemental Fund (PHC) as required by Chapter 393-41, Hawaii Revised Statutes.

Gov. Msg. No. 494-10, dated November 26, 2010, transmitting the Department of Human Services' FY 2009 Annual Report to the Legislature as required by Section 346-5, Hawaii Revised Statutes.

Gov. Msg. No. 495-10, dated November 29, 2010, transmitting the Energy Feedstock Program Report as required by Act 159, Session Laws of Hawaii 2007.

Gov. Msg. No. 496-10, dated November 29, 2010, transmitting the Department of Labor and Industrial Relations' (DLIR) Hawaii Labor Relations Board's Annual Report for the fiscal year ending June 30, 2010, as required by Section 89-5, Hawaii Revised Statutes.

The following messages from the Governor (Gov. Msg. Nos. 1 through 12) were received and announced by the Clerk and were placed on file:

Note: On December 1, 2010, the House of Representatives and the Senate transitioned to a joint numbering system beginning with Gov. Msg. No. 1.

Gov. Msg. No. 1, dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives for fiscal year ending June 30, 2010.

Gov. Msg. No. 2, dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report on the Building Code Council for the period December 2009 through December 2010.

Gov. Msg. No. 3, dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report on the Wireless Enhanced 911 Board for the period July 1, 2009 through June 30, 2010.

Gov. Msg. No. 4, dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for fiscal year ending June 30, 2010.

Gov. Msg. No. 5, dated December 1, 2010, transmitting the Department of Taxation's Impact of the High Technology Business Investment Tax Credit on Hawaii's Economy for Calendar Year 2009 Report as required by Act 206, Session Laws of Hawaii 2007.

Gov. Msg. No. 6, dated December 20, 2010, transmitting the Multi-Year Program and Financial Plan and Executive Budget for the Period 2011-17, pursuant to Sections 37-69, HRS, Budget – The Six-Year Program and Financial Plan; and 37-71, HRS, Budget – The Budget; the Variance Report for FYs 2010-11, pursuant to Section 37-75, HRS, Variance Report; and the Budget in Brief for FB 2011-2013.

Gov. Msg. No. 7, dated January 5, 2011, transmitting the Hawaii Housing Finance and Development Corporation's (HHFDC) Report to the Twenty-Sixth Legislature, State of Hawaii 2011 pursuant to S.C.R. No. 93, S.D.1, H.D.1 (2010) Requesting the HHFDC to Review the Feasibility of Developing Single Room Occupancy Dwellings in Transit Oriented Development Projects to Alleviate the Affordable Housing Shortage.

Gov. Msg. No. 8, dated December 2, 2010, transmitting the Department of Human Services' FY 2010 Annual Report to the Legislature as required by Section 346-5, Hawaii Revised Statutes.

Gov. Msg. No. 9, dated December 16, 2010, transmitting the Self-Sufficiency Income Standard, Estimates for 2008, pursuant to HRS 201-3(b); Report to the Legislature on Criteria Used to Measure Growth of Emerging Industries, pursuant to HRS 201-19(b); and Response to the Legislature Regarding House Concurrent Resolution 297 CD 1, 2010 Requesting Reports on the Economic Value of Expanded Workforce Development Capacity and STEM Initiatives.

Gov. Msg. No. 10, dated December 20, 2010, transmitting the Public Utilities Commission's Special Fund Report for fiscal year ending June 30, 2010, as required by Section 269-33(c), Hawaii Revised Statutes.

Gov. Msg. No. 11, dated December 20, 2010, transmitting the Public Utilities Commission's Annual Report for fiscal year ending June 30, 2010, as required by Section 269-5, Hawaii Revised Statutes.

Gov. Msg. No. 12, dated December 27, 2010, transmitting the 2011 Exempt Study Report.

The following message from the Governor (Gov. Msg. No. 503) was received and announced by the Clerk for immediate action:

Gov. Msg. No. 503, dated January 19, 2011, appointing Georgette "Jo" Jordan to the 45th House District with a term to expire November 6, 2012.

The Speaker appointed the Sergeant-at-Arms to escort Ms. Georgette "Jo" Jordan to the rostrum for the Oath of Office.

The Speaker then appointed the Assistant Sergeant-at-Arms to escort the Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, to the rostrum and requested that he administer the Oath of Office.

OATH OF OFFICE

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, addressed Ms. Jordan and administered the Oath of Office in accordance with the provisions of the Constitution of the State of Hawaii.

The Speaker then presented to the Members of the House the newest Member of the House, Representative Georgette "Jo" Jordan, and invited her to say a few words to her new colleagues.

Representative Jordan addressed the Body, stating:

"I'm a little nervous. I won't lie. Thank you. I would like to first thank my community for giving me all my guidance to get me to this point in time. I would like to thank the Governor for putting his trust in me. And I would like to thank all of you for help and support going forward in this journey that I'm going to be travelling. I look forward to working with all of you and doing the best of my abilities for my constituents in the State of Hawaii. I look forward to working with all of you. Mahalo."

Representative B. Oshiro then presented Representative Jordan with lei on behalf of the Members of the House.

Representative Ward rose, stating:

"Mr. Speaker, we do not have flowers, but we have, on behalf of the Minority, a welcoming *aloha* to the newest Member. Welcome."

Speaker Say: "Thank you very much for the warm Aloha."

At 12:16 o'clock p.m. the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 1) was received and announced by the Clerk:

Sen. Com. No. 1, transmitting S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS," which was adopted by the Senate on January 19, 2011.

On motion by Representative B. Oshiro, seconded by Representative Ward and carried, S.C.R. No. 1 was adopted, with Representative Souki being excused.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 76-10 through 82-10 and 1 through 32) were received by the Clerk and were placed on file:

Note: On December 1, 2010, the House of Representatives and the Senate transitioned to a joint numbering system beginning with Dept. Com. No. 1.

Dept. Com. No. 76-10, dated September 21, 2010, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Sunrise Analysis: Real Estate Appraisal Management Companies.

Dept. Com. No. 77-10, dated October 22, 2010, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Sunrise Analysis: Athletic Trainers.

Dept. Com. No. 78-10, dated November 8, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on a Security Breach at the University of Hawaii at West Oahu on October 18, 2010, per Section 487N-4, Hawaii Revised Statutes.

Dept. Com. No. 79-10, from Ken H. Takayama, Director, Legislative Reference Bureau, transmitting the Hawaii Administrative Rules 2010 Table of Statutory Sections Implemented and Directory.

Dept. Com. No. 80-10, from the Legislative Reference Bureau, transmitting Report No. 2, 2010, Through Kulekole Pass: Using Lualualei Naval Road As An Emergency Evacuation Route.

Dept. Com. No. 81-10, dated November 24, 2010, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Review of Revolving Fund, Trust Funds, and Trust Accounts of the Judiciary and the Departments of Commerce and Consumer Affairs, Hawaiian Home Lands, Health, and Human Services.

Dept. Com. No. 82-10, dated November 23, 2010, from Georgina K. Kawamura, Director of Finance, Department of Budget and Finance, transmitting certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii as of July 1, 2010, in accordance with Section 39-92(e) and Section 39-93(d), Part IV of Chapter 39 of the Hawaii Revised Statutes.

Dept. Com. No. 1, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on University of Hawaii Special, Revolving, and Trust Funds FY 2010, pursuant to Section 304A-106 and Section 304A-2007, Hawaii Revised Statutes.

Dept. Com. No. 2, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Government Operations and Biennium Report on Benchmarks and Performance Indicators, pursuant to Act 100, Session Laws of Hawaii 1999 and Section 304A-2001.

Dept. Com. No. 3, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Student Scholarship and Assistance Special Fund 2009-10, pursuant to Section 304A-2159, Hawaii Revised Statutes.

Dept. Com. No. 4, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Research and Training Revolving Fund 2009-2010, pursuant to Section 304A-2253, Hawaii Revised Statutes.

Dept. Com. No. 5, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on University of Hawaii Project Adjustment Fund, pursuant to Section 95 of Act 162, Session Laws of Hawaii 2009, and Section 8(1) of Act 180, Session Laws of Hawaii 2010.

Dept. Com. No. 6, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Use of University Revenue-Undertakings Funds for FY2011, pursuant to Section 4(14) of Act 180, Session Laws of Hawaii 2010.

Dept. Com. No. 7, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Hawaii P-20 Partnerships for Education and Plans for Education in the Twenty-First Century, pursuant to Act 281, Session Laws of Hawaii 2007.

Dept. Com. No. 8, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Transfer of Appropriated Funds & Positions, pursuant to Section 37-74, Hawaii Revised Statutes.

Dept. Com. No. 9, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Salary, pursuant to Section 304A-1004, Hawaii Revised Statutes.

Dept. Com. No. 10, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on The Construction Academy Curriculum, pursuant to Section 304A-1144, Hawaii Revised Statutes.

Dept. Com. No. 11, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on the Mauna Kea Lands, pursuant to Section 304A-1905, Hawaii Revised Statutes.

Dept. Com. No. 12, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on University of Hawaii Risk Management Special Fund, pursuant to Section 304A-2151, Hawaii Revised Statutes.

Dept. Com. No. 13, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on University of Hawaii Tuition & Fees Special Fund Expenditures for the Purpose of Generating Private Donations, pursuant to Section 304A-2153, Hawaii Revised Statutes.

Dept. Com. No. 14, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on the Community College Conference Center Revolving Fund, pursuant to Section 304A-2273, Hawaii Revised Statutes.

Dept. Com. No. 15, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on University Revenue Bonds Issued FY2010, pursuant to Section 304A-2689, Hawaii Revised Statutes.

Dept. Com. No. 16, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on the University of Hawaii's Continued Participation in the Western Interstate Commission on Higher Education, pursuant to Section 304A-3205, Hawaii Revised Statutes.

Dept. Com. No. 17, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on Uses of University of Hawaii Special Funds to Finance Projects Where the Method of Financing is Designated to be by University of Hawaii Revenue Bonds, pursuant to Section 84 of Act 162, Session Laws of Hawaii 2009.

Dept. Com. No. 18, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on Amounts Budgeted for Personnel Costs, pursuant to Section 160 of Act 162, Session Laws of Hawaii 2009.

Dept. Com. No. 19, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on Status of Respective Purchases and Use of Locally-Produced Produce or other Hawaii Agricultural Products, pursuant to House Concurrent Resolution 289 HD 1, 2010.

Dept. Com. No. 20, dated December 13, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on Issuance of Additional Revenue Bonds Authorized by Section 2, Including a Detailed Listing and Description of all Projects to be Funded, pursuant to Section 3 of Act 94, Session Laws of Hawaii 2009.

Dept. Com. No. 21, dated December 17, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Operations of the Hawaii Research Center for Future Studies, pursuant to Section 304A-3253, Hawaii Revised Statutes.

Dept. Com. No. 22, dated December 17, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report by the University of Hawaii at Manoa on the Economic Value of Expanding Workforce Development Capacity and STEM Initiatives, pursuant to House Concurrent Resolution 297 SD 1 CD 1, 2010.

Dept. Com. No. 23, dated December 20, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on the University of Hawaii Procurement Procedures, pursuant to Act 82, Session Laws of Hawaii 2010.

Dept. Com. No. 24, dated December 17, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on University of Hawaii Uncollectible Account, pursuant to Section 40-82, Hawaii Revised Statutes.

Dept. Com. No. 25, dated December 17, 2010, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report from the Medical Education Council, pursuant to Section 304A-1704, Hawaii Revised Statutes.

Dept. Com. No. 26, dated December 28, 2010, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Management and Financial Audit of Department of Taxation Contracts, pursuant to Section 23-9, Hawaii Revised Statutes.

Dept. Com. No. 27, dated December 28, 2010, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Management Audit of the Department of Public Safety's Contracting for Prison Beds and Services, pursuant to Section 23-9, Hawaii Revised Statutes.

Dept. Com. No. 28, dated December 30, 2010, from Vanelle Maunalei Love, Executive Director, Charter Schools Administrative Office, transmitting Budget Proviso Responses, pursuant to Act 180, 2010 SLH, Provisos 39, 39.1, 40 and 41.

Dept. Com. No. 29, dated December 28, 2010, from Stephen H. Levins, Chairman, Mortgage Foreclosure Task Force, transmitting the Preliminary Report of the Mortgage Foreclosure Task Force as required by Act 162, SLH 2010.

Dept. Com. No. 30, dated December 30, 2010, from Vanelle Maunalei Love, Executive Director, Charter Schools Administrative Office, transmitting the Charter Schools Funding Task Force Final Report, pursuant to Senate Concurrent Resolution 108.

Dept. Com. No. 31, dated January 5, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report by the UH Task Force on Developing a Budgetary System and Funding Formula for Distribution of Fiscal Resources to UH Campuses for 2010, pursuant to Section 3 of Act 188, Session Laws of Hawaii 2008.

Dept. Com. No. 32, dated December 27, 2010, from Clyde W. Namu'o, Chief Executive Officer, Office of Hawaiian Affairs, transmitting The Disparate Treatment of Native Hawaiians in the Criminal Justice System, pursuant to 2009's House Concurrent Resolution Number 27.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 1 through 6) were received by the Clerk and were placed on file:

Misc. Com. No. 1, dated December 20, 2010, from Cathy McCully, Chief, 2010 Census Redistricting Data Office, on behalf of U.S. Census Bureau Director, Dr. Robert M. Groves, transmitting a letter regarding the upcoming data releases for the 2010 Census Redistricting Data Program.

Misc. Com. No. 2, received December 27, 2010, from Anna C. Hirai, Acting Administrator, City and County of Honolulu Liquor Commission, transmitting the Report pursuant to House Resolution 41, HD 1, requesting the Honolulu Liquor Commission to Study the Feasibility of Mandatory Statewide Training Standards for Sellers and Servers of Alcoholic Beverages.

Misc. Com. No. 3, dated January 4, 2011, from the Leeward Housing Coalition, transmitting the 2011 Legislative Report in response to HCR 262 H.D.1 and SCR 206 S.D.1, Requesting the Establishment of the Wai'anae Coast Homeless 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.

Misc. Com. No. 4, dated December 30, 2010, from Leimana DaMate, Administrative Director, Aha Kiole Advisory Committee, transmitting the Aha Kiole Final Report to the Legislature 2011.

Misc. Com. No. 5, dated December 23, 2010, from Megan McCorriston, Executive Director, Ho'okako'o Corporation, transmitting their annual progress report about the expanded learning time (ELT) initiative, pursuant to SCR 53 SD1, 2009 Regular Session.

Misc. Com. No. 6, dated January 7, 2011, from Gary Yabuta, Chief of Police, Police Department, County of Maui, transmitting a letter pursuant to Act 242, relating to Uniform Information Practices, stating that during the calendar year 2010, no Police Officer was suspended and discharged for any of the following categories of misconduct: Malicious Use of Physical Force; Mistreatment of Prisoners; Use/Possession of Drugs and Narcotics; Cowardice.

OTHER COMMUNICATIONS

Communication dated January 10, 2011, from Representative Robert N. Herkes, Chair, Special Investigative Committee on the County of Hawaii Department of Water Supply, established pursuant to House Resolution No. 136, House Draft 1, submitting a report, House Spec. Com. Rep. No. 1-11.

ORDER OF THE DAY

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 1 through 79) passed First Reading by title and were referred to Printing: (Representative Souki was excused.)

H. B. Nos.

- 1 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."

Introduced by: Representatives Takai, Aquino, Belatti, Brower, Chang, Evans, Hanohano, Herkes, Ito, Johanson, C. Lee, M. Lee, Manahan, Marumoto, Mizuno, Nakashima, Nishimoto, Riviere, Thielen, Wooley, Chong, Fontaine, Luke, McKelvey, B. Oshiro, Pine, Rhoads, Saiki and Souki.

2 "A BILL FOR AN ACT RELATING TO THE HONOR AND REMEMBER FLAG."

Introduced by: Representatives Takai, Aquino, Belatti, Brower, Evans, Hanohano, Herkes, Ito, Johanson, C. Lee, Manahan, Marumoto, McKelvey, Mizuno, Nishimoto, Pine, Saiki, Thielen, Wooley, Chang, Chong, Fontaine, M. Lee, Luke, Nakashima, B. Oshiro, Rhoads, Riviere and Souki.

3 "A BILL FOR AN ACT RELATING TO MILITARY RESERVE COMPONENTS."

Introduced by: Representatives Takai, Hanohano, Herkes, Ito, C. Lee, McKelvey, Mizuno, Nishimoto, Pine, Thielen, Chang, Evans, Johanson, Luke, B. Oshiro, Rhoads, Saiki and Souki.

4 "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN."

Introduced by: Representatives Takai, Hanohano, Keith-Agaran, M. Lee, McKelvey, Souki, Aquino, Chang and Riviere.

5 "A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS."

Introduced by: Representatives Takai, Aquino, Chang, Hanohano, McKelvey, Pine, Riviere and Souki.

6 "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE."

Introduced by: Representative Thielen.

7 "A BILL FOR AN ACT RELATING TO ELECTRIC WHEELING."

Introduced by: Representatives Thielen, Takai and McKelvey.

8 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representative Thielen.

9 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE, ENERGY, AND FOOD SECURITY TAX."

Introduced by: Representative Thielen.

10 "A BILL FOR AN ACT RELATING TO FINANCING THE INSTALLATION OF PHOTOVOLTAIC SOLAR PANELS ON SCHOOLS."

Introduced by: Representatives Thielen, Riviere, Takai, Herkes and C. Lee.

11 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Thielen.

12 "A BILL FOR AN ACT RELATING TO PLANT THEFT."

Introduced by: Representatives Thielen, C. Lee, Riviere and Tsuji.

13 "A BILL FOR AN ACT RELATING TO CHAPTER 471, HAWAII REVISED STATUTES."

Introduced by: Representative Thielen.

14 "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS."

Introduced by: Representative Thielen, by request.

15 "A BILL FOR AN ACT RELATING TO PICKUP TRUCKS."

Introduced by: Representative Marumoto.

16 "A BILL FOR AN ACT RELATING TO HELMETS."

Introduced by: Representative Marumoto.

17 "A BILL FOR AN ACT RELATING TO USE OF SAFETY HELMETS."

Introduced by: Representative Marumoto.

18 "A BILL FOR AN ACT RELATING TO ALL-TERRAIN VEHICLES."

Introduced by: Representative Marumoto.

19 "A BILL FOR AN ACT RELATING TO SCHOOL BUSES."

Introduced by: Representative Marumoto.

20 "A BILL FOR AN ACT RELATING TO THE REPEAL OF ACT 17, SPECIAL SESSION LAWS OF HAWAII 2009."

Introduced by: Representative Marumoto.

21 "A BILL FOR AN ACT RELATING TO THE REPEAL OF ACT 68, SESSION LAWS OF HAWAII 2010."

Introduced by: Representative Marumoto.

22 "A BILL FOR AN ACT RELATING TO DAYLIGHT SAVING TIME."

Introduced by: Representatives Marumoto and Pine.

23 "A BILL FOR AN ACT RELATING TO ATTRACTIONS AND EDUCATIONAL FACILITIES TAX CREDIT."

Introduced by: Representative Takai.

24 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII BUDGET."

Introduced by: Representatives Takai and C. Lee.

25 "A BILL FOR AN ACT RELATING TO EDUCATION BUDGETING."

Introduced by: Representatives Takai and C. Lee.

26 "A BILL FOR AN ACT RELATING TO INFANT AND TODDLER CHILD CARE CENTERS."

Introduced by: Representatives Takai, Aquino, Awana, Brower, Hanohano, M. Lee, Marumoto, McKelvey, Mizuno, Nakashima, Nishimoto, Pine, Riviere, Johanson, B. Oshiro, Saiki, Souki and Tsuji.

- 27 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representatives Takai, Aquino, Hanohano, Keith-Agaran, Marumoto, Nishimoto, Pine and Saiki.
- 28 "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS."
Introduced by: Representatives Takai, Hanohano, Marumoto, Nishimoto, Pine, Aquino and Saiki.
- 29 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
Introduced by: Representatives Takai, Evans, C. Lee, Manahan, Marumoto, Nakashima, Rhoads, Hanohano, Ito, Luke, McKelvey and Mizuno.
- 30 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
Introduced by: Representatives Takai, Brower, Evans, Hanohano, Herkes, Ito, C. Lee, Manahan, Marumoto, McKelvey, Mizuno, Nishimoto, Pine, Thielen, Wooley, Chang, Chong, Fontaine, Luke, Nakashima, Rhoads, Saiki and Souki.
- 31 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
Introduced by: Representatives Takai, Belatti, Chang, Evans, Hanohano, Ito, C. Lee, McKelvey, Pine, Herkes, Johanson, Luke, Mizuno, B. Oshiro, Rhoads, Saiki, Souki and Thielen.
- 32 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."
Introduced by: Representatives Takai, Awana, Brower, Hanohano, Ito, Nishimoto, Pine, Aquino, Belatti, Johanson, M. Lee, McKelvey, Mizuno, B. Oshiro, Riviere, Saiki, Souki and Ward.
- 33 "A BILL FOR AN ACT RELATING TO DISCRIMINATION."
Introduced by: Representative Rhoads.
- 34 "A BILL FOR AN ACT RELATING TO PETROLEUM."
Introduced by: Representative Rhoads.
- 35 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
Introduced by: Representative Rhoads.
- 36 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION REGARDING THE FREEDOM OF SPEECH."
Introduced by: Representative Rhoads.
- 37 "A BILL FOR AN ACT RELATING TO BICYCLE SAFETY."
Introduced by: Representative Rhoads.

- 38 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION REGARDING THE FREEDOM OF SPEECH."
Introduced by: Representative Rhoads.
- 39 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS."
Introduced by: Representative Rhoads.
- 40 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
Introduced by: Representative Rhoads.
- 41 "A BILL FOR AN ACT RELATING TO PROSTITUTION."
Introduced by: Representative Rhoads.
- 42 "A BILL FOR AN ACT RELATING TO PUBLIC ORDER."
Introduced by: Representative Rhoads.
- 43 "A BILL FOR AN ACT RELATING TO SIDEWALKS."
Introduced by: Representative Rhoads.
- 44 "A BILL FOR AN ACT RELATING TO PROSTITUTION."
Introduced by: Representative Rhoads.
- 45 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."
Introduced by: Representative Rhoads.
- 46 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."
Introduced by: Representative Rhoads.
- 47 "A BILL FOR AN ACT RELATING TO ELECTIONS."
Introduced by: Representative Rhoads.
- 48 "A BILL FOR AN ACT RELATING TO ELECTIONS."
Introduced by: Representative Rhoads.
- 49 "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS."
Introduced by: Representatives Takai, Hanohano, Keith-Agaran, M. Lee, McKelvey, Nakashima, Pine, Riviere, Wooley, Aquino, Chang and Souki.
- 50 "A BILL FOR AN ACT RELATING TO A MEMORIAL."
Introduced by: Representatives Takai, Aquino, Chang, Hanohano, Nishimoto, Pine, Riviere, Wooley, McKelvey, Saiki and Souki.
- 51 "A BILL FOR AN ACT RELATING TO TELEMEDICINE."
Introduced by: Representatives Takai, Chang, Hanohano, McKelvey, Aquino and Riviere.
- 52 "A BILL FOR AN ACT RELATING TO UNIFORM MAINTENANCE ALLOWANCE."
Introduced by: Representative Takai, by request.

53 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION REGARDING THE CONVENING OF REGULAR LEGISLATIVE SESSIONS IN A PRESIDENTIAL INAUGURATION YEAR."

Introduced by: Representatives Takai, Aquino, Hanohano, Keith-Agaran, M. Lee, Mizuno, Nishimoto, Pine, Souki and Wooley.

54 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Representatives Takai, Awana, Belatti, Brower, Hanohano, Ito, Keith-Agaran, Manahan, Marumoto, McKelvey, Mizuno, Nishimoto, B. Oshiro, Pine, Rhoads, Riviere, Saiki and Souki.

55 "A BILL FOR AN ACT RELATING TO A COLLEGE SAVINGS PROGRAM TAX CREDIT."

Introduced by: Representatives Takai, Aquino, Awana, Belatti, Brower, Hanohano, Ito, Johanson, Keith-Agaran, Manahan, Marumoto, McKelvey, Mizuno, Nishimoto, Pine, Riviere, Ward, B. Oshiro, Saiki and Souki.

56 "A BILL FOR AN ACT RELATING TO CHILD VISITATION."

Introduced by: Representatives Takai, Aquino, Awana, Brower, Hanohano, Ito, Marumoto, McKelvey, Mizuno, Nishimoto, Pine, Keith-Agaran, Nakashima, Rhoads, Saiki and Souki.

57 "A BILL FOR AN ACT RELATING TO NUCLEAR ENERGY."

Introduced by: Representatives Takai, Evans, Hanohano, Ito, Marumoto, Mizuno, Nishimoto, Pine, Brower, Fontaine, Luke and Souki.

58 "A BILL FOR AN ACT RELATING TO TRAFFIC."

Introduced by: Representatives Takai, Aquino, Awana, Belatti, Hanohano, Marumoto, Nishimoto, Pine, Wooley, Evans, Keith-Agaran, Manahan, Mizuno, Rhoads, Saiki and Souki.

59 "A BILL FOR AN ACT RELATING TO INCOME TAX."

Introduced by: Representatives Takai, Brower, Evans, Hanohano, Manahan, Nishimoto, Pine, Aquino, Awana, Johanson, Marumoto, Mizuno, Riviere, Saiki, Souki and Ward.

60 "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE."

Introduced by: Representatives Takai, Awana, Belatti, Brower, Hanohano, Marumoto, Nishimoto, Pine, Riviere, Ward, Evans, Ito, Johanson, McKelvey, Mizuno, B. Oshiro, Saiki and Souki.

61 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Takai, Hanohano, C. Lee, Pine, Brower, Chang, Herkes, Ito, Johanson, Luke, McKelvey, Mizuno, B. Oshiro, Rhoads, Saiki and Souki.

62 "A BILL FOR AN ACT RELATING TO NUCLEAR ENERGY."

Introduced by: Representatives Takai, Evans, Hanohano, Ito, Marumoto, Mizuno, Nishimoto, Pine, Brower, Chong, Fontaine, Johanson, C. Lee, Luke, McKelvey, B. Oshiro and Souki.

63 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS."

Introduced by: Representative Rhoads.

64 "A BILL FOR AN ACT RELATING TO BURGLARY."

Introduced by: Representative Choy.

65 "A BILL FOR AN ACT RELATING TO SPECIAL TREATMENT FACILITIES."

Introduced by: Representative Choy.

66 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Choy.

67 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Representative Choy, by request.

68 "A BILL FOR AN ACT RELATING TO SEWER SYSTEMS."

Introduced by: Representatives Cabanilla, Awana and Chong.

69 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Cabanilla, Brower and Evans.

70 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Representative Cabanilla.

71 "A BILL FOR AN ACT RELATING TO THE ALOHA STADIUM."

Introduced by: Representatives Takai, Hanohano, Keith-Agaran, McKelvey, Saiki, Aquino, Awana, Brower, M. Lee, Marumoto, Mizuno, Nishimoto, B. Oshiro, Pine, Riviere and Souki.

72 "A BILL FOR AN ACT RELATING TO THE TRANSFER OF THE STADIUM AUTHORITY TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Takai, Hanohano, M. Lee, Mizuno, Pine, Aquino, Awana, Belatti, Brower, Keith-Agaran, McKelvey, Nishimoto, B. Oshiro, Rhoads, Riviere, Souki and Tsuji.

73 "A BILL FOR AN ACT RELATING TO PREPAID CALLING CARDS."

Introduced by: Representatives Takai, Aquino, Evans, Hanohano, Keith-Agaran, Manahan, Marumoto, Mizuno, Nishimoto, Pine, Saiki and Souki.

- 74 "A BILL FOR AN ACT RELATING TO INCOME TAX CHECK-OFF."

Introduced by: Representatives Takai, Hanohano, Nishimoto and Aquino.

- 75 "A BILL FOR AN ACT RELATING TO PUBLIC RECORDS."

Introduced by: Representatives Takai, Hanohano and Pine.

- 76 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representatives Takai, Evans, Hanohano, M. Lee, Marumoto, Aquino, McKelvey, Saiki and Souki.

- 77 "A BILL FOR AN ACT RELATING TO FOIE GRAS."

Introduced by: Representative McKelvey, by request.

- 78 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative McKelvey.

- 79 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Representatives Choy, Aquino, Cullen, Hashem, Ichiyama, Keith-Agaran and C. Lee.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, this is a 24-hour late announcement from yesterday, which I guess I spoke at the wrong time. Basically it was three things. One was to congratulate you as the Speaker. Two, to thank you for mentioning the founder of our party as one of the healers of what you spoke of in the Lincoln address. And three, all of those together collectively say we're Americans first, we're Democrats and Republicans second. So I just want to say thank you."

Speaker Say: "Thank you, for mentioning the Democrats first."

ADJOURNMENT

At 12:28 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, Wednesday, January 21, 2011. (Representative Souki was excused.)

THIRD DAY

Friday, January 21, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with the Speaker presiding.

The ecumenical invocation was delivered by Representative Isaac W. Choy, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 13 through 41) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 13, dated January 10, 2011, transmitting the Office of Information Practices' 2010 Annual Report for the fiscal year ending June 30, 2010, pursuant to section 92F-42(7), Hawaii Revised Statutes.

Gov. Msg. No. 14, dated December 30, 2010, transmitting the External Review Report, pursuant to Section 432E-13, Hawaii Revised Statutes.

Gov. Msg. No. 15, dated December 30, 2010, transmitting the Loss Mitigation Grant Program Report, pursuant to Section 431:22-102(c), Hawaii Revised Statutes.

Gov. Msg. No. 16, dated December 30, 2010, transmitting the Report of the Insurance Commissioner – 2010.

Gov. Msg. No. 17, dated December 30, 2010, transmitting the Report to the Legislature Regular Session 2011, pursuant to Act 212, SLH 2008.

Gov. Msg. No. 18, dated December 30, 2010, transmitting the Department of Commerce and Consumer Affairs' Annual Compliance Resolution Fund Report for fiscal year ending June 30, 2010.

Gov. Msg. No. 19, dated December 30, 2010, transmitting the Hawaii Real Estate Commission's ("REC") Annual Report for fiscal year ending June 30, 2010, pursuant to Section 467-4(5), Hawaii Revised Statutes. Also incorporated into the REC Report, pursuant to Sections 514A-133(d) and 514B-73(d), Hawaii Revised Statutes, is the Condominium Management Education Fund Report and the Condominium Education Trust Fund Report.

Gov. Msg. No. 20, dated December 30, 2010, transmitting the Receipt and Expenditures of Federal Moneys from the American Recovery and Reinvestment (ARRA) Act of 2009 Report pursuant to Act 199, H.B. No. 2698, H.D. 2, S.D. 2, C.D. 1 of the Twenty-Fifth Legislature, 2010.

Gov. Msg. No. 21, dated December 30, 2010, transmitting the Development and Expansion of Telework Initiatives Report pursuant to Act 199, H.B. No. 2698, H.D. 2, S.D. 2, C.D. 1 of the Twenty-Fifth Legislature, 2010.

Gov. Msg. No. 22, dated December 30, 2010, transmitting the Streamlining Permitting Functions for the Development of Broadband Services and Technology Report pursuant to Act 199, H.B. No. 2698, H.D. 2, S.D. 2, C.D. 1 of the Twenty-Fifth Legislature, 2010.

Gov. Msg. No. 23, dated December 23, 2010, transmitting the Employees' Retirement System's report on its Hawaii venture capital investment program, pursuant to Act 260, SLH 2007.

Gov. Msg. No. 24, dated December 23, 2010, transmitting the Employees' Retirement System report pursuant to Act 192, SLH 2007.

Gov. Msg. No. 25, dated January 3, 2011, transmitting the Department of Commerce and Consumer Affairs, Insurance Division's request,

pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, for approval to expend additional federal funds for Insurance Regulatory Services CCA-106 by \$1,000,000. These funds were not appropriated because the enactment in March 2010 of the Federal Affordable Health Care Act of 2010 and the Federal Patient Protection and Affordable Care Act of 2010 provided the foundation for the creation of an electronic marketplace for health care insurance.

Gov. Msg. No. 26, dated January 3, 2011, transmitting the Department of Commerce and Consumer Affairs, Insurance Division's request, pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, for approval to expend additional federal funds for Insurance Regulatory Services CCA-106 by \$1,000,000. These funds were not appropriated because the enactment in March 2010 of the Federal Affordable Health Care Act of 2010 and the Federal Patient Protection and Affordable Care Act of 2010 provided the foundation for the nation-wide compilation and exchange of information relating to health care insurance.

Gov. Msg. No. 27, dated January 7, 2011, transmitting the Department of Labor and Industrial Relation's (DLIR) Employment and Training Fund Annual Report as required by HRS §383-128.

Gov. Msg. No. 28, dated January 7, 2010 [sic], transmitting the Department of Labor and Industrial Relation's (DLIR) Special Fund for Temporary Disability Benefits Annual Report as required by HRS §392-61.

Gov. Msg. No. 29, dated January 7, 2010 [sic], transmitting the Department of Labor and Industrial Relation's (DLIR) Special Compensation Fund Annual Report as required by HRS §386-151.

Gov. Msg. No. 30, dated January 7, 2010 [sic], transmitting the Department of Labor and Industrial Relation's (DLIR) Premium Supplementation Fund Annual Report as required by §393-41.

Gov. Msg. No. 31, dated January 7, 2010 [sic], transmitting the Department of Labor and Industrial Relation's (DLIR) Unemployment Insurance Trust Fund Annual Report as required by HRS §383-121.

Gov. Msg. No. 32, dated January 10, 2011, transmitting the Department of Labor and Industrial Relation's (DLIR) Hawaii Civil Rights Commission Report for fiscal year ending June 30, 2010, as required by HRS §368-3, §368-4, and §515-9.

Gov. Msg. No. 33, dated January 10, 2011, transmitting the Department of Labor and Industrial Relation's (DLIR) Office of Language Access Report for fiscal year ending June 30, 2010, as required by Act 290 (2006).

Gov. Msg. No. 34, dated January 10, 2011, transmitting the Department of Labor and Industrial Relation's (DLIR) Employment and Training Fund Program Annual Report as required by HRS §383-128.

Gov. Msg. No. 35, dated January 7, 2010 [sic], transmitting the Department of Labor and Industrial Relation's (DLIR) Special Unemployment Insurance Administration Fund Annual Report as required by HRS §383-127.

Gov. Msg. No. 36, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Status Of The Kaho'olawe Rehabilitation Trust Fund as required by Section 6K-9.5(e), Hawaii Revised Statutes.

Gov. Msg. No. 37, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report The Hawaii Historic Preservation Special Fund For Fiscal Year 2010-2011 as required by Section 6E-3, Hawaii Revised Statutes.

Gov. Msg. No. 38, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Requiring All Departments And Agencies To Identify Their Goals, Objectives, And Policies, To Provide A Basis For Determining Priorities And Allocating Limited Public Funds

And Human Resources as required by Act 100 (Sections 6 and 7), Session Laws of Hawaii, 1999.

Gov. Msg. No. 39, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report The Dam And Reservoir Safety Program Fiscal Year 2009-2010 as required by Section 179D-29, Hawaii Revised Statutes.

Gov. Msg. No. 40, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Requesting The Department Of Land And Natural Resources To Submit A Project-Funded Staff Services Budget Report Fiscal Year 2010-2011 as required by Section 67 of Act 162, Session Laws of Hawaii 2009, as Amended by Act 180, Session Laws of Hawaii 2010 Relating to the State Budget.

Gov. Msg. No. 41, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Hawaii's Stream Protection Program And Identification Of "Wild And Scenic Rivers" as required by Section 174C-31(c) (4), Hawaii Revised Statutes.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 2 and 3) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 2, transmitting H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2011," which was adopted by the Senate on January 20, 2011.

Sen. Com. No. 3, transmitting H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," which was adopted by the Senate on January 20, 2011.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 33 through 38) were received by the Clerk and were placed on file:

Dept. Com. No. 33, dated January 6, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on the Sources of Revenue for the Research Training and Revolving Fund, pursuant to Section 8(11) of Act 180, Session Laws of Hawaii 2010.

Dept. Com. No. 34, dated January 6, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report on Nursing Scholars Program, pursuant to Section 304A-3305, Hawaii Revised Statutes.

Dept. Com. No. 35, dated January 6, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report from the Hawai'i Natural Energy Institute, pursuant to Section 304A-1891, Hawaii Revised Statutes.

Dept. Com. No. 36, dated January 6, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on Requesting the UH Procurement Institute to Review the Policies and Requirements in the Awarding of State Energy Service Contracts.

Dept. Com. No. 37, dated January 6, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on P-20 Statewide Longitudinal Data System Status and Planning, pursuant to Senate Concurrent Resolution 146, 2009.

Dept. Com. No. 38, dated January 10, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Annual Report of The Research Corporation of the University of Hawai'i for the fiscal year ending June 30, 2011.

INTRODUCTIONS

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

Representative Ward, on behalf of all the host legislators, introduced students participating in the Future Leaders Exchange (FLEX) program, and the Youth Exchange and Study (YES) program, and asked that the host legislators be allowed to submit written comments about their student shadows, and the Chair "so ordered."

Ms. Alesandra Beloborodova of Russia attending Hilo High School and hosted by Ms. Becky Stubbs, shadowing Representative Tsuji.

Involvement in Hawaii: Leo Club, Junior Greenpeace, Art Club, Student Association, and Math League, Track and Field, Church. Spending time with her host family she loves very much.

Interests: Loves to read, thinks that "Book should serve like an axe to the ice inside us". Enjoys sport. Enjoys dancing and active lifestyle.

Favorite thing about Hawaii: "I love about Hawaii is Hawaii's people. Everything is filled with aloha spirit, this spirit holds all that people together, and they like to share their kindness with everybody!"

Future Plans on return home: Graduate from High School. Enter a university. Not sure about a major, however would like to choose an important profession such as: doctor, financial adviser, veterinarian, or Government's employee.

Ms. Sanda Bembyeva of Russia attending King Kekaulike High School and hosted by Dr. and Mrs. Ferrier, shadowing Representative Keith-Agaran.

Involvement in Hawaii: Leo Club, Drama Club, Interact Club, European Club, Softball.

Interests: Ceramics, drawing, volunteering.

Favorite thing about Hawaii: "I love people here, culture and traditions and of course weather."

Future Plans on return home: Graduate from High School. Start learning another language.

Representative Keith-Agaran also submitted the following remarks on behalf of Ms. Bembyeva.

"It's my pleasure to introduce my student shadow for today, Sanda Bembyeva. Sanda comes from Russia and is currently a student at King Kekaulike High School in Makawao, Maui where she is an active member of the Leo Club, Drama Club, and Interact Club. She also attended Maui High School in Kahului (my own alma mater) before moving to a different host family in upcountry Maui. She loves the people she has met in Hawaii, as well as the culture she has learned so much about. She plans, upon returning to Russia, to graduate from High School and learn another language."

Ms. Alina Fesenko of the Ukraine attending Parker School; (on scholarship) and hosted by Mr. and Mrs. McKeenan, shadowing Representative Har.

Involvement in Hawaii: Civic Education Workshop, International Educational Week, Volleyball, Drama, volunteering for North Hawaii Hospice, volunteering for Aurora's Robson project. Student was involved in movement, which involved in cleaning ocean from plastic and harmful influence. Church. School Newspaper and Broadcast, Talent Show, Photo Contest "Post Cards from Home", exploring Hawaiian culture, sightseeing (Hawaiian islands), recording own music in school's studio, helping with Christmas decorating for school, babysitting, fun-raising for sophomore class and journalism class, Ginger Bread Bazaar (Christmas Parade).

Interests: Hawaiian culture, movement against plastic pollution in ocean, volleyball, tennis, snorkeling, volunteer work, theater, drama, languages, soccer, music career, travel, 2D art, singing, dance, guitar, photography.

Favorite thing about Hawaii: "I love Hawaiian sun, happy, positive, welcoming, nice people. And endless opportunity to improve yourself as a person."

Future Plans on return home: Applying for top universities in Ukraine to study international business and relationships; Volunteer work projects. Involvement with FLEX program in Ukraine; Alumni Program; Work and Travel Program; Going to College, Studying Journalism; Getting a job for EURO 2012 in Ukraine and later for FIFA 2018 in Russia; "in example of American society and government, improving my home-country".

Ms. Diana Galukhina of Russia attending Kalaheo High School and hosted by Mr. and Mrs. Takahama, shadowing Representative Thielen.

Involvement in Hawaii: Reading Club at School, Hiking with Host Family, Church Activities.

Favorite thing about Hawaii: Swimming, going to the beach, mall. "I love people here –they are very nice and friendly!"

Future Plans: Would like to use English language skills in future career. Interested in International Relations.

Ms. Alina Iaconi of Moldova attending Nanakuli High School and hosted by Mr. and Mrs. Henry Pelekai, shadowing Representative Rhoads.

Involvement in Hawaii: Interact Club Member at school, Basketball, Softball.

Interests: Basketball, foreign languages. Volunteering. Surf.

Favorite thing about Hawaii: "I love Hawaii for its people and for its amazing people!"

Future Plans on return home: Graduation from High School. Would like to become an English Teacher or Interior Designer.

Representative Rhoads submitted the following remarks on behalf of Ms. Iaconi:

"Alina Iaconi is an exchange student from Moldova, a small country from Southern Europe and has been my shadow for the day. She is from a small town called Cahul not far from the border with Romania. Alina speaks two languages in addition to English: Romanian and Russian.

"Alina is in Hawaii for 10 months, sponsored by the United States government, with a program for high school students called the Future Leaders Exchange Program or FLEX for short. She is attending Nanakuli High School and living with a host family. Alina says it has been an honor to be in the United States and to share her culture with her new friends, but she misses her local kine grindz. It is true there are not many Moldovan or Romanian restaurants on Oahu.

"It is challenging being an exchange student, but an experience that she will remember her whole life. The future is in good hands with Alina who wants to either be an English teacher or possibly work in the hospitality industry. I wish her the best of luck in her future endeavors and I am glad that we got to meet even if it was for only a few hours."

Aleksandra Ivakina of Russia attending Waianae High School and hosted by Ms. Christina Nunes, shadowing Representative Marumoto.

Involvement in Hawaii: Attending church with family, beach, host family activities, studying, sightseeing.

Interests: Reading, drawing, sightseeing, traveling, studying, languages, swimming.

Ms. Ani Gia Jamaspishvili of Georgia attending Kea'au High School and hosted by Ms. Mae Kaler, shadowing Representative Ward.

Involvement in Hawaii: Plays soccer. Volunteer work at Montessori pre-school.

Interests: Diplomacy, law, computer studies, history of Hawaii and Pacific Islands.

Hobbies: Swimming, beach, reading, play sports (softball, kickball), spending time with the greatest Host Mom ever! spending time with friends.

Favorite thing about Hawaii: "I love the way how Hawaii is different from the rest of the mainland. I like how Hawaiians have their own traditions, how they believe in Hawaiian gods and goddesses like Pele. I love the weather. I love how friendly and loving people are in Hawaii. Everybody is smiling at you.

Future Plans on return home: First plan is to pass 8 exams for high school diploma and pass the college entrance exams! Get good high education. Travel.

Mr. Batyr Kurbanov of Turkmenistan attending Mililani High School and hosted by Mr. Jerry Cornell, shadowing Representative M. Lee.

Involvement in Hawaii: Key Club, Leo Club, Video Games Club, Jyu Do team.

Interests: Spending time with friends, Volunteer work, keeping in shape, sports, beach.

Favorite thing about Hawaii: Beaches in Hawaii are beautiful.

Future Plans on return home: Enter the university or college.

Representative M. Lee also submitted the following remarks on behalf of Mr. Kurbanov:

"I'm Batyr Kurbanov, exchange student from Turkmenistan. My home country is in the middle Asia. I came here on last august, and I'll be here till June. I go to Mililani high School. I'm 11th grade. I'm 17. I was born on 9th of February in 1993. I am only one child in my family. I lost my father when I was 10. He died from heart attack. And now my mom lives with my step father in Turkey. I speak five languages. They are: Turkmen (native), English, Russian, Turkish and Uzbek. I am also member of Key Club, Leo Club and Video Games Club. In my school. I also in Jyu Do (fighting) team in my school. I was in boxing club last two years. In a future I am going to be a good person for my community. I work hard for it and do my best. My mom wants to let me go to medical school become a doctor. My step father says to me to go to tourism, and I think about being lawyer. So in future I'm going to choose one of them. O, I also help to my Algebra teacher after school, I help to students who need help in algebra. I want to do as more community services as I can I want to help to people who need help. I passed exam to University in Turkey – Istanbul. But system is different there so I was able to come here. But I also looking to schools here."

Ms. Alina Marchenko of the Ukraine attending Mililani High School and hosted by Mr. and Mrs. Urada, shadowing Representative M. Lee.

Involvement in Hawaii: Volunteering, Church, White Wallers Club, LEO Club, YMCA.

Interests: Travel, Drawing, Dancing, Music, Ballroom Dancing

Representative M. Lee also submitted the following remarks on behalf of Ms. Marchenko:

"My name is Alina Marchenko and I am from Ukraine. I currently attend to Mililani High School as a foreign exchange – student. I am very glad to

have such a great opportunity to represent my country in the USA and at the same time to have an experience of living here for the whole year and to learn a lot of useful information and skills. My country is an ex-USSR country and it's rather young, only 20 years. But I hope in the future it will be very successful. I'm here, in Hawaii to learn about US and take the best of my knowledge back home. As for my future plans I'm a senior and next year I suppose to go to the University, I haven't decided yet which sphere I am interested in, but I have a great wish to learn a lot of languages and work with different countries. As for this moment I fluently speak Russian, Ukrainian and English and I'm studying French and Spanish. I'm interested in the politics so hopefully this day will help me to decide if I want to be in politics in the future. Thank you a lot for dividing your time to us and such great and unique experience."

Ms. Aziza Mamatnazar of Kyrgyzstan attending Konawaena High School and hosted by Mr. and Mrs. Batista, shadowing Representative Evans.

Involvement in Hawaii: Paddling, Volunteer at the library.

Interests: Student loves to sing and would like to study law.

Favorite thing about Hawaii: Student loves Hawaii weather and nature.

Future Plans on return home: Would like to enter college or university and become a lawyer.

Mr. Igor Shchedrov of Russia attending Kapolei High School and hosted by Mr. Doug Brown, shadowing Representative Awana.

Involvement in Hawaii: Soccer Team, REM Club (Reading for Elementary Kids), Interact Club.

Interests: Reading, Physics, hanging out with friends.

Favorite thing about Hawaii: People are very nice in Hawaii.

Future Plans on return home: Plans to study business or become an interpreter. Student joined Business Academy at Kapolei High School and has become interested in business.

Yekaterina Sukhova of Russia attending Kailua High School and hosted by Mr. and Mrs. Kemp, shadowing Representative Ching.

Involvement in Hawaii: News Writing, Varsity Tennis, Math League.

Interests/Hobbies: drawing, playing tennis; history, international relations, mathematics, computer science, foreign languages.

Favorite thing about Hawaii: The Aloha Spirit!

Future Plans on return home: Finish High School in Russia; Enter Tomsk State University, get Bachelors in Physics and Mathematics.

Tatiana Zasheva of Russia attending Aiea High School and hosted by Mr. and Mrs. May, shadowing Representative Johanson.

Involvement in Hawaii: Spanish Club, Key Club, Volunteering, Church.

Interests: Going to the beach, hanging out with friends, dance, photography, languages.

Favorite thing about Hawaii: "The main thing I love about Hawaii is its friendly and helpful people!!!"

Future Plans on return home: Go to college and make career in linguistics.

Andriy Zelenko of the Ukraine attending Waianae High School and hosted by Mr. and Mrs. Reggie Alapai, shadowing Representative Cabanilla.

Involvement in Hawaii: Attending church with family, doing a lot of volunteer work with host family, traveling around the island, beach, BBQ, host activities, school, learning how to swim.

Interests: reading, spending time with friends, writing poetry, swimming.

Mr. Othman Al-Akhali of Yemen attending Konawaena High School and hosted by Mr. and Mrs. Fuller, shadowing Representative Herkes.

Involvement in Hawaii: Playing Soccer, working on robots for the Robotics Competition.

Interests: Playing sports, hanging out with friends, computer, video games.

Favorite thing about Hawaii: The people of Hawaii, because they are very friendly.

Future Plans on return home: Would like to pursue higher education in a foreign country and then return to Yemen and work towards making Yemen a better place.

Ms. Nadia Abulatif of the West Bank, Palestine attending Kalaheo High School and hosted by Mr. and Mrs. Miller, shadowing Representative Awana.

Involvement in Hawaii: JROTC, Volunteer work, Sightseeing, Spending time with the host family.

Interests: Swimming, cultural and folk dance, children, languages, volunteerism.

Rokiatou Diallo of Mali attending Konawaena High School and hosted by Mrs. Ginny Squier, shadowing Representative Evans.

Involvement in Hawaii: School, Spending time with the family, Community service.

Interests: Martial Arts, Tae Kwon Do, interested in science.

Favorite thing about Hawaii: Ocean and volcano and of course people.

Future Plans on return home: "My plans while back in my country are first of all, to see what I can change there with what I learnt here, to get people to see through my experience and to do my best to make my country a better place to live in and keep it safe."

Career Plans: Pursue career in Astrophysics

Yahya Gilany of Kuwait/Egypt attending Kapolei High School and hosted by Mr. Doug Brown, shadowing Representative Har.

Involvement in Hawaii: Robotics, Interact Club, REM club (read for kids), Hiking.

Interests: Robotics, Swimming, Reading and Singing.

Favorite thing about Hawaii: "One thing I really love about Hawaii is its natural scenes that you see all over the place and how diverse the people are :)."

Future Plans on return home: "Apply to AUC American University in Cairo for 2 years, then going to Canada for another 2 years, and then coming back to the US for the grad. school in Engineering and then I'm intending to go back home and start a developing project and do something to my country."

Ms. Alia Hijazi of Israel attending Castle High School and hosted by Mr. Harvey and Mrs. Ronnie Hartenstein, shadowing Representative Thielen.

Involvement in Hawaii: Church, community service, socializing.

Interests: Tennis, languages, history, cultures.

Future Plans on return home: Join military and then go to college place to live in and keep it safe."

Ms. Nyanjie Wudief of Sierra Leone attending Waianae High School and hosted by Mr. and Mrs. Nielsen, shadowing Representative Aquino.

Involvement in Hawaii: Track, Volunteer, Spend time with the host family.

Interests: eating, reading, singing and dancing. Interested in sports and school work.

Favorite thing about Hawaii: Hawaii beaches.

Future Plans on return home: On return home Nyanjie would like to teach people about volunteering. She is also plans to continue her studies.

Representative M. Lee introduced her friend, Ms. Nancy Noe of Fremont, California.

Representative Har introduced her constituent and student intern, Mr. Ronson Dela Pina, a senior at Kapolei High School.

ORDER OF THE DAY

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 80 through 227) passed First Reading by title and were referred to Printing:

H. B. Nos.

80 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-THIRD, THIRTY-FOURTH, AND THIRTY-SIXTH REPRESENTATIVE DISTRICTS."

Introduced by: Representatives Takai, B. Oshiro and Takumi.

81 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representative Nakashima.

82 "A BILL FOR AN ACT RELATING TO SUPERVISORY PUBLIC EMPLOYEES."

Introduced by: Representatives Nakashima and Choy.

83 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Nishimoto, by request.

84 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representative Nishimoto.

85 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representative Nishimoto.

86 "A BILL FOR AN ACT RELATING TO MOTOR SCOOTERS."

Introduced by: Representative Nishimoto.

87 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representative Nishimoto.

88 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON."

Introduced by: Representative Nishimoto, by request.

89 "A BILL FOR AN ACT RELATING TO SMOKING."

Introduced by: Representative Nishimoto, by request.

90 "A BILL FOR AN ACT RELATING TO ELECTED PUBLIC OFFICERS."

Introduced by: Representative Nishimoto, by request.

91 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Nishimoto.

92 "A BILL FOR AN ACT RELATING TO RENTAL PROPERTY MANAGERS."

Introduced by: Representative Nishimoto, by request.

93 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representative Nishimoto, by request.

94 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE PROGRAMS."

Introduced by: Representative Nishimoto.

95 "A BILL FOR AN ACT RELATING TO LEAF BLOWERS."

Introduced by: Representative Nishimoto.

96 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representative Yamashita.

97 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Yamashita.

98 "A BILL FOR AN ACT RELATING TO TOBACCO."

Introduced by: Representative Yamashita.

99 "A BILL FOR AN ACT RELATING TO GRAY WATER."

Introduced by: Representative Yamashita.

100 "A BILL FOR AN ACT RELATING TO VOTING."

Introduced by: Representatives McKelvey, Awana, Belatti, Coffman, Evans, Herkes, Keith-Agaran, C. Lee, Mizuno, Morikawa, Morita, Nakashima, Aquino, Cullen and Luke.

- 101 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
Introduced by: Representatives McKelvey, Belatti, Keith-Agaran, C. Lee and Souki.
- 102 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives McKelvey, Awana, Mizuno, Nishimoto, Takai and Ichiyama.
- 103 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representatives McKelvey, Keith-Agaran, C. Lee, Nishimoto, Ichiyama and Yamashita.
- 104 "A BILL FOR AN ACT RELATING TO GRAVE DESECRATION."
Introduced by: Representatives McKelvey, Aquino, Cullen, Ito, M. Lee, Mizuno, B. Oshiro, Rhoads, Awana, Cabanilla, Chong, Choy, Souki, Tsuji and Yamashita.
- 105 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES."
Introduced by: Representatives McKelvey, Manahan, Choy, Evans and Morita.
- 106 "A BILL FOR AN ACT RELATING TO OCEAN SAFETY."
Introduced by: Representatives McKelvey, Awana, Ito, Brower and Souki.
- 107 "A BILL FOR AN ACT RELATING TO THE ROADSIDE SALE OF AGRICULTURAL PRODUCTS."
Introduced by: Representatives McKelvey, Hanohano, Ito, Nakashima, Tsuji and Yamashita.
- 108 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."
Introduced by: Representative McKelvey.
- 109 "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW."
Introduced by: Representatives McKelvey, Evans, Tokioka, Aquino, Awana, Cabanilla, Chong, Cullen, Herkes, Ito, Keith-Agaran, Luke, Mizuno, Morikawa, Nakashima and Yamashita.
- 110 "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION."
Introduced by: Representative McKelvey.
- 111 "A BILL FOR AN ACT RELATING TO MEDICAL TORTS."
Introduced by: Representatives McKelvey, Awana, Evans, Har, Herkes, Mizuno, Yamashita, Aquino, Ito and Tokioka.
- 112 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS."
Introduced by: Representatives McKelvey, Keith-Agaran and Belatti.
- 113 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW."
Introduced by: Representatives McKelvey, Aquino, Awana, Har, C. Lee, Manahan, Mizuno, Morikawa, Morita, Evans, Herkes, Souki and Yamashita.
- 114 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."
Introduced by: Representative McKelvey.
- 115 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."
Introduced by: Representatives McKelvey, Awana, Evans, Mizuno, Morikawa, Morita, Say and Souki.
- 116 "A BILL FOR AN ACT RELATING TO MEDICAL ENTERPRISE ZONES."
Introduced by: Representatives McKelvey, Evans, Brower and Souki.
- 117 "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS."
Introduced by: Representatives McKelvey, Awana, Chang, Har, Herkes, Yamashita, Aquino, Chong, Choy, Cullen, Evans, Hashem, Ito, Say, Souki, Tokioka and Tsuji.
- 118 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."
Introduced by: Representatives McKelvey, Awana, Cabanilla, Evans, Hashem, Souki, Aquino, Brower, Chong, Cullen and Manahan.
- 119 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives McKelvey, Awana, Har, Takai, Aquino, Cullen, Evans and Souki.
- 120 "A BILL FOR AN ACT RELATING TO TELECOMMUTING."
Introduced by: Representatives McKelvey, Awana, Har, Cullen, Evans, Nakashima and Yamashita.
- 121 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL."
Introduced by: Representatives McKelvey, Awana, Coffman, Evans, Hanohano, Ito, C. Lee, Morikawa, Morita, Nakashima, Takai, Cabanilla, Souki and Yamashita.
- 122 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
Introduced by: Representatives McKelvey and Morita.
- 123 "A BILL FOR AN ACT RELATING TO INTRA-STATE AVIATION."
Introduced by: Representatives McKelvey, Evans, Hanohano, Herkes, Keith-Agaran, Morikawa, Morita, Nakashima, Souki and Tokioka.

124 "A BILL FOR AN ACT RELATING TO LUPUS."

Introduced by: Representatives Marumoto, Awana, Cabanilla, Evans, Hanohano, Ichiyama, M. Lee, Luke, Mizuno, Morikawa, Morita, Pine and Thielen.

125 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives Marumoto, Cabanilla, Evans, Hanohano, Ichiyama, M. Lee, Morikawa, Pine, Thielen, Luke and Morita.

126 "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION."

Introduced by: Representatives M. Lee, Cabanilla, Evans, Hanohano, Ichiyama, Luke, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Pine, Thielen and Wooley.

127 "A BILL FOR AN ACT RELATING TO HEALTHCARE."

Introduced by: Representatives Morita, Awana, Belatti, Hanohano, Ichiyama, M. Lee, Luke, Marumoto, Morikawa, Thielen and Evans.

128 "A BILL FOR AN ACT RELATING TO PROSTITUTION."

Introduced by: Representatives Marumoto, Awana, Cabanilla, Hanohano, Ichiyama, M. Lee, Morikawa, Pine, Thielen, Luke and Morita.

129 "A BILL FOR AN ACT RELATING TO PERINATAL CARE."

Introduced by: Representatives M. Lee, Awana, Belatti, Hanohano, Ichiyama, Luke, Marumoto, Mizuno, Morikawa, Morita, Pine, Thielen and Wooley.

130 "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION."

Introduced by: Representatives Hanohano, Awana, Belatti, Evans, Ichiyama, M. Lee, Luke, Mizuno, Morikawa and Morita.

131 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representatives M. Lee, Belatti, Cabanilla, Evans, Hanohano, Ichiyama, Luke, Marumoto, Mizuno, Morikawa, Morita, Pine and Thielen.

132 "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DNA SAMPLES FROM ARRESTEES OF SEXUAL OFFENSES AGAINST MINORS."

Introduced by: Representatives Marumoto, Awana, Cabanilla, Evans, Hanohano, M. Lee, Luke, Mizuno, Morikawa, Morita, Pine and Thielen.

133 "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS."

Introduced by: Representatives M. Lee, Evans, Hanohano, Ichiyama, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Wooley and Luke.

134 "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS."

Introduced by: Representatives Morita, Belatti, Evans, Hanohano, M. Lee, Luke, McKelvey, Mizuno, Morikawa, Pine, Wooley and Ichiyama.

135 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS."

Introduced by: Representatives M. Lee, Awana, Cabanilla, Evans, Hanohano, Ichiyama, Luke, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Pine and Thielen.

136 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives M. Lee, Hanohano, McKelvey, Mizuno, Pine, Ichiyama, Luke, Morikawa and Morita.

137 "A BILL FOR AN ACT RELATING TO DNA COLLECTION FOR VIOLENT CRIMES."

Introduced by: Representatives Marumoto, Awana, Cabanilla, McKelvey, Mizuno, Morikawa, Pine and Thielen.

138 "A BILL FOR AN ACT RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM."

Introduced by: Representatives Thielen, Awana, Belatti, Cabanilla, Hanohano, Ichiyama, M. Lee, Luke, Marumoto, Mizuno, Morikawa, Morita, Pine and Wooley.

139 "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS."

Introduced by: Representative Keith-Agaran.

140 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII."

Introduced by: Representatives Riviere, Belatti, Ching, Johanson, Marumoto, Pine, Thielen, Ward, Coffman, Evans, Fontaine, Herkes, C. Lee, McKelvey, Morikawa, B. Oshiro and Souki.

141 "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE."

Introduced by: Representative Hanohano.

142 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Representative Hanohano.

143 "A BILL FOR AN ACT RELATING TO RIGHTS OF THE ACCUSED."

Introduced by: Representative Hanohano.

144 "A BILL FOR AN ACT RELATING TO SHERIFFS."

Introduced by: Representative Hanohano.

145 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representative Hanohano.

146 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."

Introduced by: Representative Hanohano.

147 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representative Hanohano.

148	"A BILL FOR AN ACT RELATING TO CORRECTIONS."	162	"A BILL FOR AN ACT RELATING TO FOOD LABELING."
	Introduced by: Representative Hanohano.		Introduced by: Representative Mizuno.
149	"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."	163	"A BILL FOR AN ACT RELATING TO PERSONAL RELATIONSHIPS."
	Introduced by: Representative Hanohano.		Introduced by: Representative Mizuno.
150	"A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS."	164	"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ALLOW MARRIAGE BETWEEN SAME SEX COUPLES."
	Introduced by: Representative Hanohano.		Introduced by: Representative Mizuno.
151	"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."	165	"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO DEFINE MARRIAGE AS BETWEEN A MAN AND A WOMAN."
	Introduced by: Representative Hanohano.		Introduced by: Representative Mizuno.
152	"A BILL FOR AN ACT RELATING TO CRIMINAL OFFENDERS."	166	"A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW."
	Introduced by: Representative Hanohano.		Introduced by: Representative Rhoads.
153	"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."	167	"A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
	Introduced by: Representatives Morita, Belatti, Evans, Hanohano, Marumoto, Morikawa, Fontaine, Johanson and Tsuji.		Introduced by: Representative Rhoads.
154	"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."	168	"A BILL FOR AN ACT RELATING TO MINIMUM HOURLY WAGE."
	Introduced by: Representatives Morita, Belatti, Brower, Evans, Hanohano and C. Lee.		Introduced by: Representative Rhoads.
155	"A BILL FOR AN ACT RELATING TO BURIAL SITES."	169	"A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
	Introduced by: Representatives Morita, Belatti, Evans, Hanohano, C. Lee and Brower.		Introduced by: Representative Rhoads.
156	"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."	170	"A BILL FOR AN ACT RELATING TO THE PENAL CODE."
	Introduced by: Representatives M. Oshiro and Tsuji.		Introduced by: Representative Say, by request.
157	"A BILL FOR AN ACT RELATING TO HEALTH."	171	"A BILL FOR AN ACT RELATING TO HOUSING."
	Introduced by: Representatives M. Oshiro and M. Lee.		Introduced by: Representative Say, by request.
158	"A BILL FOR AN ACT RELATING TO UNINSURED MOTOR VEHICLES."	172	"A BILL FOR AN ACT RELATING TO THE PENAL CODE."
	Introduced by: Representative M. Oshiro.		Introduced by: Representative Say, by request.
159	"A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."	173	"A BILL FOR AN ACT RELATING TO NOMINATION PAPERS."
	Introduced by: Representative M. Oshiro.		Introduced by: Representative Say, by request.
160	"A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH."	174	"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say, by request.
161	"A BILL FOR AN ACT RELATING TO HUMAN SERVICES CONTRACTS."	175	"A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say, by request.

- 176 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO EXAMINE HOW THE REPUBLIC OF SINGAPORE SOLVED ITS HOUSING CRISIS."
Introduced by: Representative Ward.
- 177 "A BILL FOR AN ACT RELATING TO AN OFFICE OF APPLIED COMMUNITY RESEARCH."
Introduced by: Representative Ward.
- 178 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
Introduced by: Representatives Ward, Evans, Fontaine, Marumoto, Pine, Riviere and Thielen.
- 179 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Ward, Marumoto and Thielen.
- 180 "A BILL FOR AN ACT RELATING TO SENIOR CITIZENS."
Introduced by: Representative Ward.
- 181 "A BILL FOR AN ACT RELATING TO SAFETY EQUIPMENT."
Introduced by: Representatives Ward, Evans, Fontaine, Marumoto and Thielen.
- 182 "A BILL FOR AN ACT RELATING TO ELDERLY CARE TAX CREDIT."
Introduced by: Representatives Ward, Marumoto and Thielen.
- 183 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION."
Introduced by: Representatives Ward, Evans and Marumoto.
- 184 "A BILL FOR AN ACT RELATING TO LEASEHOLD PROPERTY."
Introduced by: Representative Ward.
- 185 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON THE YEAR 2050."
Introduced by: Representatives Ward and Awana.
- 186 "A BILL FOR AN ACT RELATING TO AN OFFICE OF LEGISLATIVE EXCHANGE."
Introduced by: Representatives Ward, Awana, Evans and Cullen.
- 187 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO THE RECALL OF PUBLIC OFFICERS."
Introduced by: Representatives Ward, Fontaine, Pine and Riviere.
- 188 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Ward, Fontaine, Marumoto, Pine and Thielen.
- 189 "A BILL FOR AN ACT RELATING TO KAMILO NUI VALLEY."
Introduced by: Representatives Ward, Marumoto, Awana and Riviere.
- 190 "A BILL FOR AN ACT RELATING TO LEGACY LANDS."
Introduced by: Representatives Ward and Marumoto.
- 191 "A BILL FOR AN ACT RELATING TO FERRIES."
Introduced by: Representatives Ward, Pine, Thielen, Evans and Marumoto.
- 192 "A BILL FOR AN ACT RELATING TO THE CREATION OF A PILOT PROJECT FOR AN OCEAN MASTER PLAN."
Introduced by: Representatives Ward, Marumoto and Riviere.
- 193 "A BILL FOR AN ACT RELATING TO LAND PRESERVATION."
Introduced by: Representative Ward.
- 194 "A BILL FOR AN ACT RELATING TO EVIDENCE."
Introduced by: Representatives Ward, Awana, Fontaine, Marumoto, Pine, Riviere, Thielen, Evans and Nakashima.
- 195 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLES II, III, AND XVII OF THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR THE INITIATIVE."
Introduced by: Representatives Ward and Riviere.
- 196 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."
Introduced by: Representative Wooley.
- 197 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
Introduced by: Representative Wooley.
- 198 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."
Introduced by: Representative Wooley.
- 199 "A BILL FOR AN ACT RELATING TO QUALIFIED TRANSPORTATION BENEFITS."
Introduced by: Representative Wooley.
- 200 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."
Introduced by: Representative Say, by request.

201 "A BILL FOR AN ACT RELATING TO STATE PARKS."
Introduced by: Representative Wooley.

202 "A BILL FOR AN ACT RELATING TO HOURS OF WORK."
Introduced by: Representative Wooley.

203 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative Wooley.

204 "A BILL FOR AN ACT RELATING TO CONSERVATION EASEMENTS."
Introduced by: Representative Wooley.

205 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."
Introduced by: Representative Wooley.

206 "A BILL FOR AN ACT MAKING GRANT-IN-AID APPROPRIATIONS TO THE COUNTIES TO FINANCE DROUGHT MITIGATION PROJECTS AND MEASURES."
Introduced by: Representative Wooley.

207 "A BILL FOR AN ACT RELATING TO BEACH ACCESS."
Introduced by: Representative Wooley.

208 "A BILL FOR AN ACT RELATING TO TOXIC PRODUCTS."
Introduced by: Representative Wooley.

209 "A BILL FOR AN ACT RELATING TO JOB-SHARING FOR PUBLIC EMPLOYEES."
Introduced by: Representative Wooley.

210 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representative Wooley.

211 "A BILL FOR AN ACT RELATING TO TARO LANDS."
Introduced by: Representative Wooley.

212 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll and Hanohano.

213 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll and Hanohano.

214 "A BILL FOR AN ACT RELATING TO THE WORKPLACE."
Introduced by: Representative Carroll.

215 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representative Carroll.

216 "A BILL FOR AN ACT RELATING TO FOOD LABELING."
Introduced by: Representatives Carroll and Hanohano.

217 "A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE."
Introduced by: Representatives Carroll and Hanohano.

218 "A BILL FOR AN ACT RELATING TO CORRECTIONS."
Introduced by: Representatives Carroll and Hanohano.

219 "A BILL FOR AN ACT RELATING TO ELECTIONS."
Introduced by: Representatives Carroll and Hanohano.

220 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
Introduced by: Representatives Carroll and Hanohano.

221 "A BILL FOR AN ACT RELATING TO MARICULTURE."
Introduced by: Representatives Carroll and Hanohano.

222 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."
Introduced by: Representatives Carroll and Hanohano.

223 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."
Introduced by: Representatives Carroll and Hanohano.

224 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll and Hanohano.

225 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll and Hanohano.

226 "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY."
Introduced by: Representative Keith-Agaran, by request.

227 "A BILL FOR AN ACT RELATING TO TRESPASS."
Introduced by: Representative Keith-Agaran.

At 12:20 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

At this time, the Chair announced:

"Members, at this time we are on the Supplemental Calendar, Introduction of Resolutions."

SUPPLEMENTAL CALENDAR #1

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 5 and 6) were read by the Clerk and disposed of as follows:

H.R. No. 5, entitled: "HOUSE RESOLUTION ELECTING THE VICE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was jointly offered by Representatives B. Oshiro and Ward.

Representative B. Oshiro moved that H.R. No. 5 be adopted, seconded by Representative Ward.

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

"Mr. Speaker, I would commend the gentleman to everyone as one who is a bridge, a diplomat, and one who even if he doesn't always agree with you, smiles and is a facilitator of the people's business. I think it's a good choice and as I said earlier, I heartily second it, and I would third it if there was such a need to do so. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in strong support with brief comments. I would just like to say that we all have our hopes and dreams in working with Mr. Vice Speaker, and that he will represent us well as the House as a whole. Thank you."

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

"Now that the good Representative of Hawaii Kai talked, I feel I have to weigh in, in strong support Mr. Speaker. I just think that the good Representative will represent the House well, and that he will continue to work with all of us in addressing the people's issues. So again, in strong support. Thank you."

The motion was put to vote by the Chair and carried, and H.R. No. 5 was adopted.

At this time, the Chair invited Representative Manahan to approach the rostrum, and presented to the Members of the House their new Vice Speaker.

H.R. No. 6, entitled: "HOUSE RESOLUTION ACKNOWLEDGING AND RECOGNIZING THE CAUCUS LEADERS AND NAMING THE CHAIRS, VICE CHAIRS, AND MEMBERS OF THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was jointly offered by Representatives B. Oshiro and Ward.

Representative B. Oshiro moved that H.R. No. 6 be adopted, seconded by Representative Ward.

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

"Thank you. Mr. Speaker, I'm rising to speak against the motion. Thank you. Mr. Speaker, there are fifty-one Members in the House of Representatives. There is a group that is totally ignored in the leadership of the different Committees. Of those fifty-one Members, we all received votes from our constituents. I believe when you total the votes of the Minority Caucus, they're well over 200,000.

"When you take a look at putting together a team of leadership, what you want to do is do it fairly, and you want to do it with merit. Take a look at the International Committee, we have a member among us, our Minority Leader, Representative Gene Ward, who has an international background that is not equaled by anyone in this Body I would say, and yet his name

was not included either as the Committee Chair or the Vice-Chair and I think that's disgraceful.

"You take a look at a couple of other Committees, both Tourism, and Economic Development. One of the most senior members in this Body, Representative Barbara Marumoto has great skills in both of those areas, great experience, and yet when you look at the Committee Chair and the Vice-Chair, her name is not among those.

"Mr. Speaker, you also take a look at Public Safety and Military Affairs. We have a new Member in our Caucus, Representative George Fontaine, a former police officer. What better person to appoint as the Vice-Chair for that. And you can't say, 'Wait a minute. He's a freshman,' because you have appointed a freshman as the Vice-Chair to that Committee.

"And then you take a look at the Education Committee, Representative Corinne Ching is a teacher, a former teacher. The perfect expertise to be on the Education Committee and yet her name is not there.

"And without promoting myself, I do want to say that I have twenty years as an environmental and land use attorney, and won some of the landmark cases in the State of Hawaii. I'm the ranking member on Energy and Environmental Protection, and ranking member on Water, Land, but not a Vice-Chair of either Committee.

"Mr. Speaker, I think that this is wrong, and I would just question all of the Members in this Body. I know you have a minority faction among the Democrats so you have the minority Democrats and the majority Democrats, and you're trying to work things out among each other, and you're trying to make things so called 'fair' among them, but you are incredibly discriminatory, incredibly discriminatory against the Republican Caucus. And yet, about a quarter of a million people believe that we can do a good job and support us. Yet in this Body, I don't see one of you standing up for the rights of our Minority and that is shameful."

The motion was put to vote by the Chair and carried, and H.R. No. 6 was adopted, with Representative Thielen voting no.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, this is another thank you, not a mutual admiration society, but I want to commend all the Members of this House for staying the course. You, Mr. Speaker, and I want to thank 'Reverend' Choy for his prayer this morning, and how we're sticking with our eclectic openings, whether it's a Tom Brower rap, or it's a moment of silence, or if it's a prayer, it works. I think what the Senate has done Mr. Speaker, is something that we should not be involved in. I'm not going to go through all the litany the US Supreme Court has already said about this being the history and the tradition of who we are as a people, and to take the divine providence, whether you believe or not, out of this I think, is immaterial and not necessary.

"I found, as I was preparing a couple remarks, that the Hawaii Constitution's preamble says, 'We the people of Hawaii, grateful for divine guidance. ...' I never knew that before so to open a prayer, with either a rap or something else, I mean it's appropriate. It's traditional.

"So Mr. Speaker, my basic bottom line is, *e pule kakou*. Let's carry on with where we are. We're ecumenical as we did on Opening Day. We will continue to be so, and I look forward to Representative Brower's rap. Aloha. Thank you."

Representative Herkes: "A point of order. Will you advise the Members of the Minority to address the Chair, and not the Members?"

Representative Chong: "Thank you, Mr. Speaker. I'd like to make a short, but delightful announcement. One of our colleagues from the Island of Hawaii had a recent anniversary birthday yesterday. It is no other than our colleague, Clift Tsuji. Aloha."

Speaker Say: "Members of the House, the Chair has two major announcements to make. The first announcement is that I'd like to encourage the Chairs and Vice-Chairs on Monday, January 24 at 1 p.m. to 3 p.m. to attend a training session. All Chairs and Vice-Chairs will be having a training session at 1:00 to 3:00 in Room 329.

"After that, from 3:15 to 5 p.m. there will be training for your Committee staff. So I truly expect all of the Chairs and Vice-Chairs to attend the training, and their staff, so that they can understand the process of being a Chair and Vice-Chair and running your Committees. You'll be getting an email from me and a memo this afternoon, but I wanted to state it for all you so you know you have to attend.

"Secondly, after today's session, the Chair expects all of you to attend the mandatory safe workplace training in Room 329 which was supposed to start at 12:30. All of you should be attending because I personally feel it is very important and mandatory for you to attend."

Representative Ching: "Thank you, Mr. Speaker. Today I announce that there was a celebration of life for a very important person of Hawaii who passed away this month. It was Agnes Conrad, the State Archivist who was the first Territorial Archivist, as well as for the State. She received the Historic Hawaii Honor Award. She was named a living treasure by Honpa Honwanji Mission of Hawaii, received the Governor's Award, Pa'a Mo'olelo Award, President of the Hawaiian Historical Society, and the Legislature had actually bestowed upon her the Hawaii State Archivist Emeritus.

"She was known as someone you could go to to answer any question about Hawaii's past, and she organized the professional archival standards for the Territorial Archives before we were a State. She was involved in the early historic preservation of Diamond Head. She was involved in the founding of the Hawaii Museum's Association, the restoration of Iolani Palace, and was instrumental to the publication of the songs of Queen Liliuokalani.

"And there was an African proverb that says, once an elder passes away, the book is closed. For Agnes Conrad, she wrote much of that book. So at the appropriate time, Mr. Speaker, I'd like to ask for a moment of silence for Agnes C. Conrad."

Representative Souki: "Yes, Mr. Speaker and Members. I just want to add a little comment about the mandatory training for Members and staff. Leadership must remember that Members are elected by their respective constituents and I would ask that leadership be mindful of that, that even though we respect the Speaker, and we support him, but we're beholden, as far as anything mandatory, to our constituents. Thank you, very much."

Representative B. Oshiro: "Mr. Speaker, I just would like to make a short acknowledgement. Today is the last day of employment for the person in my office who's been assisting me for the past three or four years, Jace Mikulanec. In the continual shifting that's going on, he has a higher calling. He's going to the Fifth Floor and he'll be working as the Deputy on the Federal Fair Share Initiative. So after session, except for Members, staff, please feel free to go to Room 437 for some cake and ice cream, and wish him well."

Speaker Say: "For the last announcement, Members of the House, and this is a reminder to all of you. The Governor will address the Legislature in Joint Session on Monday here in the House Chamber for the State of the State Address. Since the Joint Session will begin promptly at 10:00 a.m., our Regular Session will convene beforehand at 9:00 a.m. So everyone should be here at 9:00 a.m. for the Regular Session.

"Members of the House, please stand for a moment of silence for the late Agnes Conrad."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Ms. Agnes C. Conrad.

ADJOURNMENT

At 12:56 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 9:00 o'clock a.m. Monday, January 24, 2011.

FOURTH DAY

Monday, January 24, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 9:04 o'clock a.m., with the Speaker presiding.

The ecumenical invocation was delivered by Vice Speaker Joey Manahan, after which the Roll was called showing all Members present with the exception of Representatives Brower, Chong, Morita, Takumi, Wooley and Yamashita, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 42 through 55) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 42, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Geothermal Royalties Dispositions And Status Of Geothermal And Cable System Development Fiscal Year 2009-2010 as required by Sections 182-18 and 196D-11, Hawaii Revised Statutes.

Gov. Msg. No. 43, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Status Of The Program For Environmentally-Themed Products To Support The Environment as required by Section 195D-5.5, Hawaii Revised Statutes.

Gov. Msg. No. 44, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Operations Of The Filing Office For Financing Statements Under The Uniform Commercial Code, Secured Transactions (Revised Article 9) as required by §490:9-527, Hawaii Revised Statutes.

Gov. Msg. No. 45, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Status Of The Issuance Of Incidental Take Licenses For Endangered, Threatened, Proposed, And Candidate Species; And The Condition Of The Endangered Species Trust Fund For The Period July 1, 2009 – June 30, 2010 as required by Section 195D-26, Hawaii Revised Statutes.

Gov. Msg. No. 46, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Revenues Generated From General Administrative Penalties Imposed Under Chapter 183, Hawaii Revised Statutes as required by Section 183-5, Hawaii Revised Statutes.

Gov. Msg. No. 47, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Relating To The Land Conservation Fund And The Legacy Land Conservation Program as required by Section 173A-5, Hawaii Revised Statutes.

Gov. Msg. No. 48, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Relating To The Forest Stewardship Program as required by Section 195F-6, Hawaii Revised Statutes.

Gov. Msg. No. 49, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Hawaii Statewide Trail and Access System "Na Ala Hele" as required by Section 198D-9(7), Hawaii Revised Statutes.

Gov. Msg. No. 50, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Relating To The Wildlife Revolving Fund Fiscal Year 2009-2010 as required by Section 183D-10.5, Hawaii Revised Statutes.

Gov. Msg. No. 51, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Budgetary And Other Issues

Regarding Invasive Species as required by Section 194-2, Hawaii Revised Statutes and Section 19 of Act 162, Session Laws of Hawaii, 2009.

Gov. Msg. No. 52, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Relating To The Natural Area Reserves System, Natural Area Partnership Program, And The Financial Condition Of The Natural Area Reserve Fund as required by Section 195-6.6, Hawaii Revised Statutes.

Gov. Msg. No. 53, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Disaster Relief Expenditures Resulting From The October 15, 2006 Kiholo Bay Earthquake as required by Section 5, Act 78, Sessions Laws of Hawaii 2007.

Gov. Msg. No. 54, dated January 11, 2011, transmitting the Department of Land and Natural Resources' Report On The Instance Of Usage Of Electric Guns By The Department Of Land And Natural Resources as required by Section 134-16(d), Hawaii Revised Statutes.

Gov. Msg. No. 55, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report on Administratively Established Accounts And Funds Of The Department Of Land And Natural Resources as required by Section 37-52.5, Hawaii Revised Statutes.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 39 and 40) were received by the Clerk and were placed on file:

Dept. Com. No. 39, dated January 20, 2011, from Charlotte Carter-Yamauchi, Acting Director, Legislative Reference Bureau, transmitting the Report of the Illegal Fireworks Task Force to the Legislature for the Regular Session of 2011, pursuant to Act 170, Session Laws of Hawaii 2010.

Dept. Com. No. 40, dated January 20, 2011, from Robin K. Matsunaga, Ombudsman, transmitting Office of the Ombudsman, Report Number 41, pursuant to Section 96-16, Hawaii Revised Statutes.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communication (Misc. Com. No. 7) was received by the Clerk and was placed on file:

Misc. Com. No. 7, issued January 2011, transmitting the 2010 Census Redistricting Data (Public Law 94-171) Summary File, 2010 Census of Population and Housing.

INTRODUCTIONS

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

Representative Chang introduced Mr. Steve Wang of Taiwan. He was accompanied by Mr. Lincoln Tseng; and Ms. Lee Cheung Hee of Korea, Miss Pusan of 2009.

Representative Manahan introduced his friend, Mr. A.J. Halagao.

ORDER OF THE DAY**INTRODUCTION OF BILLS**

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 228 through 821) passed First Reading by title and were referred to Printing: (Representatives Brower, Morita, Wooley and Yamashita were excused.)

H. B. Nos.

228	"A BILL FOR AN ACT RELATING TO LANDFILLS."	242	"A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION."
	Introduced by: Representative Yamane.		Introduced by: Representative Say, by request.
229	"A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT."	243	"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."
	Introduced by: Representative Rhoads.		Introduced by: Representative Say, by request.
230	"A BILL FOR AN ACT RELATING TO CUSTOMER SERVICE."	244	"A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS."
	Introduced by: Representative Rhoads.		Introduced by: Representative Say, by request.
231	"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."	245	"A BILL FOR AN ACT RELATING TO WITNESSES."
	Introduced by: Representative Rhoads.		Introduced by: Representative Say, by request.
232	"A BILL FOR AN ACT RELATING TO THE ARTS."	246	"A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU."
	Introduced by: Representative Rhoads.		Introduced by: Representative Say, by request.
233	"A BILL FOR AN ACT RELATING TO EMERGENCY RESPONSE VEHICLES."	247	"A BILL FOR AN ACT RELATING TO INVOLUNTARY HOSPITALIZATION."
	Introduced by: Representative Rhoads.		Introduced by: Representative Say, by request.
234	"A BILL FOR AN ACT RELATING TO CHIROPRACTIC."	248	"A BILL FOR AN ACT RELATING TO SENTENCING."
	Introduced by: Representative M. Oshiro.		Introduced by: Representative Say, by request.
235	"A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES."	249	"A BILL FOR AN ACT RELATING TO THEFT."
	Introduced by: Representatives M. Oshiro and McKelvey.		Introduced by: Representative Say, by request.
236	"A BILL FOR AN ACT RELATING TO NUISANCES."	250	"A BILL FOR AN ACT RELATING TO EMPLOYMENT OF ATTORNEYS."
	Introduced by: Representatives Marumoto, Hashem and Wooley.		Introduced by: Representative Say, by request.
237	"A BILL FOR AN ACT RELATING TO REAL PROPERTY BLIGHT."	251	"A BILL FOR AN ACT RELATING TO MANDATORY ETHICS TRAINING."
	Introduced by: Representatives Marumoto, Hashem and Wooley.		Introduced by: Representative Say, by request.
238	"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS."	252	"A BILL FOR AN ACT RELATING TO NEPOTISM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
239	"A BILL FOR AN ACT RELATING TO ORDERS FOR PROTECTION."	253	"A BILL FOR AN ACT RELATING TO VIOLATIONS OF THE LOBBYISTS LAW."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
240	"A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION."	254	"A BILL FOR AN ACT RELATING TO PUBLIC ORDER."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
241	"A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION."	255	"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
		256	"A BILL FOR AN ACT RELATING TO THE PENAL CODE."
			Introduced by: Representative Say, by request.

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| <p>257 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
Introduced by: Representative Say, by request.</p> <p>258 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
Introduced by: Representative Say, by request.</p> <p>259 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
Introduced by: Representative Say, by request.</p> <p>260 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by: Representative Say, by request.</p> <p>261 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES."
Introduced by: Representative Say, by request.</p> <p>262 "A BILL FOR AN ACT RELATING TO TORT LIABILITY."
Introduced by: Representative Say, by request.</p> <p>263 "A BILL FOR AN ACT RELATING TO TORTS."
Introduced by: Representative Say, by request.</p> <p>264 "A BILL FOR AN ACT RELATING TO CIVIL ACTIONS."
Introduced by: Representative Say, by request.</p> <p>265 "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES."
Introduced by: Representative Say, by request.</p> <p>266 "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS."
Introduced by: Representative Say, by request.</p> <p>267 "A BILL FOR AN ACT RELATING TO STATE HOLIDAYS."
Introduced by: Representative Say, by request.</p> <p>268 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES."
Introduced by: Representative Say, by request.</p> <p>269 "A BILL FOR AN ACT RELATING TO IMPORTATION OF ANIMALS."
Introduced by: Representative Say, by request.</p> <p>270 "A BILL FOR AN ACT RELATING TO THE COUNTIES."
Introduced by: Representative Say, by request.</p> <p>271 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT OF ADEQUATE NEONATAL RESUSCITATION TRAINING PROGRAMS."
Introduced by: Representative Yamane.</p> | <p>272 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Yamane.</p> <p>273 "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS."
Introduced by: Representative Yamane.</p> <p>274 "A BILL FOR AN ACT RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES FROM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY".
Introduced by: Representative Yamane.</p> <p>275 "A BILL FOR AN ACT RELATING TO PHARMACY BENEFIT MANAGEMENT COMPANIES."
Introduced by: Representatives Chong, Chang, B. Oshiro, Tokioka and Yamashita.</p> <p>276 "A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS."
Introduced by: Representatives Chong, Chang, Choy, Hashem, Ichiyama, M. Lee, Tsuji, Yamashita and Cullen.</p> <p>277 "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS."
Introduced by: Representatives Chong, Chang, Cullen, Har, Herkes, Ichiyama, Ito, M. Lee, McKelvey, Mizuno, B. Oshiro, Tokioka, Tsuji and Yamashita.</p> <p>278 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Chong, Chang, Choy, Cullen, Ichiyama, M. Lee, Mizuno, Tsuji, Yamashita and Hashem.</p> <p>279 "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE."
Introduced by: Representative Chong.</p> <p>280 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative Tsuji.</p> <p>281 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative Tsuji.</p> <p>282 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative Tsuji.</p> <p>283 "A BILL FOR AN ACT RELATING TO STATE FUNDS."
Introduced by: Representatives Tsuji, Awana, Chong, Har, Herkes, Ito, Hashem, Morita and Yamashita.</p> <p>284 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representatives Tsuji, Awana, Har, Hashem, Herkes, Ito, Morita and Yamashita.</p> |
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285 "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS."

Introduced by: Representatives Tsuji, Awana, Chong, Har, Herkes, Morita, Hashem, Ito and Yamashita.

286 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Awana, Har, Herkes, Morita, Yamashita, Hashem and Ito.

287 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Awana, Har, Herkes, Ito, Morita, Yamashita, Chong and Hashem.

288 "A BILL FOR AN ACT RELATING TO PLANTS."

Introduced by: Representatives Tsuji, Awana, Chong, Har, Herkes, Ito, Morita, Yamashita and Hashem.

289 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Awana, Har, Herkes, Ito, Morita, Yamashita, Chong and Hashem.

290 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Tsuji, Awana, Chong, Har, Herkes, Ito, Morita, Yamashita and Hashem.

291 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Representative M. Oshiro.

292 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Representative M. Oshiro.

293 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Representative M. Oshiro.

294 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative M. Oshiro.

295 "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS."

Introduced by: Representative M. Oshiro.

296 "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Representative M. Oshiro.

297 "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES FEE."

Introduced by: Representative Say, by request.

298 "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS."

Introduced by: Representative Say, by request.

299 "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL."

Introduced by: Representative Say, by request.

300 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."

Introduced by: Representative Say, by request.

301 "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND."

Introduced by: Representative Say, by request.

302 "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES SPECIAL FUND."

Introduced by: Representative Say, by request.

303 "A BILL FOR AN ACT RELATING TO STATE FUNDS."

Introduced by: Representative M. Oshiro.

304 "A BILL FOR AN ACT RELATING TO STATE FINANCES."

Introduced by: Representative M. Oshiro.

305 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."

Introduced by: Representative M. Oshiro.

306 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative M. Oshiro.

307 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representative M. Oshiro.

308 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Cabanilla.

309 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Cabanilla.

310 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Cabanilla.

311 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Cabanilla.

312 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Cabanilla.

313 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representative Herkes.

314 "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS."

Introduced by: Representative Herkes.

315 "A BILL FOR AN ACT RELATING TO CONTROL OPERATORS."

Introduced by: Representative Herkes, by request.

316 "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS."
Introduced by: Representative Herkes, by request.

317 "A BILL FOR AN ACT RELATING TO INSURANCE."
Introduced by: Representative Herkes, by request.

318 "A BILL FOR AN ACT RELATING TO VOG."
Introduced by: Representatives Herkes and Hanohano.

319 "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS."
Introduced by: Representative Herkes.

320 "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS."
Introduced by: Representative Herkes, by request.

321 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
Introduced by: Representative Herkes.

322 "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE."
Introduced by: Representative Herkes.

323 "A BILL FOR AN ACT RELATING TO PHARMACISTS."
Introduced by: Representative Herkes.

324 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representative Herkes.

325 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative Herkes.

326 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Herkes.

327 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."
Introduced by: Representative Herkes, by request.

328 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."
Introduced by: Representative Herkes.

329 "A BILL FOR AN ACT RELATING TO RENEWABLE FUELS."
Introduced by: Representatives Chang, Hanohano, Har, Ito, Keith-Agaran, Nakashima, Thielen, Tokioka, Tsuji, Coffman, Ichiyama, C. Lee, Morikawa, Morita and Souki.

330 "A BILL FOR AN ACT RELATING TO BIOFUEL."
Introduced by: Representatives Chang, Hanohano, Har, Ito, Keith-Agaran, C. Lee, Nakashima, Thielen, Tokioka, Tsuji, Coffman, Ichiyama, Morikawa, Morita and Souki.

331 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representatives Chang, Hanohano, Har, Herkes, Ichiyama, Ito, Nakashima, Souki, Tokioka, Tsuji, Keith-Agaran, C. Lee and Morikawa.

332 "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS."
Introduced by: Representatives Chang, Hanohano, Har, Herkes, Keith-Agaran, C. Lee, Nakashima, Tsuji, Coffman, Ichiyama, Ito, Morikawa, Morita and Souki.

333 "A BILL FOR AN ACT RELATING TO ETHANOL."
Introduced by: Representatives Chang, Hanohano, Har, Herkes, Ito, Keith-Agaran, Nakashima, Tokioka, Tsuji, Ichiyama, Morikawa and Souki.

334 "A BILL FOR AN ACT RELATING TO FORFEITED VEHICLES."
Introduced by: Representatives Chang, Coffman, Hanohano, Har, Herkes, Ichiyama, Ito, Keith-Agaran, C. Lee, Morikawa, Morita, Nakashima, Takumi, Thielen, Tokioka and Tsuji.

335 "A BILL FOR AN ACT RELATING TO THE BIOFUEL LOAN GUARANTEE PROGRAM."
Introduced by: Representatives Chang, Coffman, Hanohano, Har, Ito, Keith-Agaran, C. Lee, Nakashima, Thielen, Tokioka, Tsuji, Ichiyama, Morikawa, Morita and Souki.

336 "A BILL FOR AN ACT RELATING TO BIOFUELS."
Introduced by: Representatives Chang, Hanohano, Har, Ito, Keith-Agaran, Nakashima, Thielen, Tokioka, Tsuji, Coffman, Ichiyama, C. Lee, Morikawa and Souki.

337 "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS."
Introduced by: Representatives Chang, Coffman, Hanohano, Har, Ichiyama, Ito, Keith-Agaran, C. Lee, Morikawa, Morita, Nakashima, Souki, Takumi, Thielen, Tokioka and Tsuji.

338 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Takumi, Belatti, Evans, Ito, Mizuno, M. Oshiro and Yamashita.

339 "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS."
Introduced by: Representatives Takumi, Belatti, Ito, Mizuno and Yamashita.

340 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representatives Takumi, Belatti, Ito, Mizuno, Nishimoto, Yamashita and Evans.

341 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."
Introduced by: Representatives Takumi and Belatti.

342 "A BILL FOR AN ACT RELATING TO THE HAWAII
PUBLIC PROCUREMENT CODE."

Introduced by: Representatives Takumi and Belatti.

343 "A BILL FOR AN ACT RELATING TO VOTING."

Introduced by: Representatives Takumi and Belatti.

344 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

345 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

346 "A BILL FOR AN ACT RELATING TO PUBLIC
SAFETY."

Introduced by: Representative Hanohano.

347 "A BILL FOR AN ACT RELATING TO PUBLIC
SAFETY."

Introduced by: Representative Hanohano.

348 "A BILL FOR AN ACT RELATING TO VOTING."

Introduced by: Representative Hanohano.

349 "A BILL FOR AN ACT RELATING TO SENTENCING OF
REPEAT OFFENDERS."

Introduced by: Representative Hanohano.

350 "A BILL FOR AN ACT RELATING TO PUBLIC
SAFETY."

Introduced by: Representative Hanohano.

351 "A BILL FOR AN ACT RELATING TO ECONOMIC
RECOVERY."

Introduced by: Representative McKelvey.

352 "A BILL FOR AN ACT RELATING TO STREAMLINING
PROCUREMENT."

Introduced by: Representative McKelvey.

353 "A BILL FOR AN ACT RELATING TO TAX APPEALS."

Introduced by: Representative McKelvey.

354 "A BILL FOR AN ACT RELATING TO TAX APPEALS."

Introduced by: Representative McKelvey.

355 "A BILL FOR AN ACT RELATING TO HIGH
TECHNOLOGY TAX CREDITS."

Introduced by: Representative McKelvey.

356 "A BILL FOR AN ACT RELATING TO GOVERNMENT
RECORDS."

Introduced by: Representatives McKelvey, Awana and
Souki.

357 "A BILL FOR AN ACT RELATING TO ESTABLISHING
A COUNTY INFRASTRUCTURE DEVELOPMENT
REVOLVING FUND."

Introduced by: Representatives McKelvey, Awana,
Keith-Agaran and Souki.

358 "A BILL FOR AN ACT RELATING TO HYBRID
BICYCLES."

Introduced by: Representatives McKelvey and Belatti.

359 "A BILL FOR AN ACT RELATING TO VETERAN
BURIAL GRANTS."

Introduced by: Representative McKelvey.

360 "A BILL FOR AN ACT RELATING TO SCHOOL
FUNDING."

Introduced by: Representative McKelvey.

361 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Representative McKelvey.

362 "A BILL FOR AN ACT RELATING TO WORKERS'
COMPENSATION."

Introduced by: Representatives McKelvey, Awana and
Souki.

363 "A BILL FOR AN ACT RELATING TO CONSTRUCTION
SITES."

Introduced by: Representatives McKelvey, Awana and
Souki.

364 "A BILL FOR AN ACT RELATING TO ECONOMIC
DEVELOPMENT."

Introduced by: Representatives McKelvey, Awana and
Souki.

365 "A BILL FOR AN ACT RELATING TO LIQUOR TAX
LAW."

Introduced by: Representatives McKelvey, Keith-
Agaran and Souki.

366 "A BILL FOR AN ACT RELATING TO ECONOMIC
DEVELOPMENT."

Introduced by: Representative McKelvey.

367 "A BILL FOR AN ACT RELATING TO SMALL
BUSINESS."

Introduced by: Representative McKelvey.

368 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative McKelvey.

369 "A BILL FOR AN ACT RELATING TO ECONOMIC
RECOVERY."

Introduced by: Representative McKelvey.

370 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Representative McKelvey.

371 "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY."

Introduced by: Representative McKelvey.

372 "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY."

Introduced by: Representative McKelvey.

373 "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY."

Introduced by: Representative McKelvey.

374 "A BILL FOR AN ACT RELATING TO SMALL BUSINESS."

Introduced by: Representative McKelvey.

375 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative McKelvey.

376 "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING."

Introduced by: Representative McKelvey.

377 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Nakashima and Keith-Agaran.

378 "A BILL FOR AN ACT RELATING TO LANDSCAPING OF PUBLIC FACILITIES."

Introduced by: Representatives Nakashima, Keith-Agaran and C. Lee.

379 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Representatives Nakashima, Chang, Hanohano, Herkes and Tsuji.

380 "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY."

Introduced by: Representatives Nakashima, Chang, Coffman, Evans, Herkes and Tsuji.

381 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS."

Introduced by: Representative Say, by request.

382 "A BILL FOR AN ACT RELATING TO THE AUDITOR."

Introduced by: Representative Say, by request.

383 "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION."

Introduced by: Representative Say.

384 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE DEPARTMENT OF WATER COUNTY OF KAUAI."

Introduced by: Representative Say, by request.

385 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Representative Rhoads.

386 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION FRAUD."

Introduced by: Representative Rhoads.

387 "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES."

Introduced by: Representative Chang.

388 "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES."

Introduced by: Representative Chang.

389 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representative Chang.

390 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representative Chang.

391 "A BILL FOR AN ACT RELATING TO WATER RESOURCES."

Introduced by: Representative Chang.

392 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Souki, Awana, McKelvey, Keith-Agaran and Yamashita.

393 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives Souki, Carroll, Keith-Agaran, McKelvey and Yamashita.

394 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO LEGALIZE SLOT MACHINE GAMBLING AND GAMBLING BY VIDEO POKER MACHINES."

Introduced by: Representative Souki.

395 "A BILL FOR AN ACT RELATING TO TUITION WAIVERS IN THE UNIVERSITY OF HAWAII SYSTEM."

Introduced by: Representative Say, by request.

396 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say, by request.

397	"A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE."	411	"A BILL FOR AN ACT RELATING TO HOME HEALTH AGENCIES."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
398	"A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."	412	"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LICENSING OF HOME CARE AGENCIES."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
399	"A BILL FOR AN ACT RELATING TO THE PORTION OF INCOME AND PROCEEDS FROM THE LANDS OF THE PUBLIC LAND TRUST FOR USE BY THE OFFICE OF HAWAIIAN AFFAIRS."	413	"A BILL FOR AN ACT RELATING TO DENTAL SERVICES."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say.
400	"A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS."	414	"A BILL FOR AN ACT RELATING TO DENTAL SERVICES."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say.
401	"A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM."	415	"A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
402	"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."	416	"A BILL FOR AN ACT RELATING TO MEDICAL AMNESTY."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
403	"A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTIETH REPRESENTATIVE DISTRICT."	417	"A BILL FOR AN ACT RELATING TO FIREARMS."
	Introduced by: Representative Say.		Introduced by: Representative Say, by request.
404	"A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES."	418	"A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LAW."
	Introduced by: Representative Say.		Introduced by: Representative Say.
405	"A BILL FOR AN ACT RELATING TO HEALTH CARE PAYMENTS."	419	"A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."
	Introduced by: Representative Say.		Introduced by: Representative Say, by request.
406	"A BILL FOR AN ACT RELATING TO HEALTH CARE."	420	"A BILL FOR AN ACT RELATING TO MEDICAL HARM DISCLOSURE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
407	"A BILL FOR AN ACT RELATING TO HEALTH CARE."	421	"A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say.
408	"A BILL FOR AN ACT RELATING TO HEALTH CARE."	422	"A BILL FOR AN ACT RELATING TO SOLID WASTE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Morita.
409	"A BILL FOR AN ACT RELATING TO TAX CREDITS."	423	"A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Morita.
410	"A BILL FOR AN ACT RELATING TO MEDICAID."	424	"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Morita.
		425	"A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."
			Introduced by: Representative Morita.

- 426 "A BILL FOR AN ACT RELATING TO ENERGY."
Introduced by: Representative Morita.
- 427 "A BILL FOR AN ACT RELATING TO ENERGY."
Introduced by: Representative Morita.
- 428 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."
Introduced by: Representative Morita.
- 429 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."
Introduced by: Representative Morita.
- 430 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HOMELESS PROGRAMS OFFICE."
Introduced by: Representatives Morita and Cabanilla.
- 431 "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES."
Introduced by: Representatives Morita and Cabanilla.
- 432 "A BILL FOR AN ACT RELATING TO TOY GUNS."
Introduced by: Representative Saiki.
- 433 "A BILL FOR AN ACT RELATING TO LIFE INSURANCE POLICIES."
Introduced by: Representative Saiki.
- 434 "A BILL FOR AN ACT RELATING TO GENETICALLY-ENGINEERED FOOD."
Introduced by: Representative Saiki.
- 435 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SECOND REPRESENTATIVE DISTRICT."
Introduced by: Representative Saiki.
- 436 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES."
Introduced by: Representatives Keith-Agaran, McKelvey, Yamashita and Souki.
- 437 "A BILL FOR AN ACT RELATING TO HIGHWAYS."
Introduced by: Representatives Keith-Agaran, McKelvey, Yamashita and Souki.
- 438 "A BILL FOR AN ACT RELATING TO SCHOOL TEACHERS."
Introduced by: Representatives Keith-Agaran, McKelvey and Souki.
- 439 "A BILL FOR AN ACT RELATING TO EVIDENCE."
Introduced by: Representatives Keith-Agaran, Belatti, McKelvey, Nakashima, Nishimoto and Souki.
- 440 "A BILL FOR AN ACT RELATING TO LIENS."
Introduced by: Representatives Keith-Agaran, McKelvey, Nakashima, Nishimoto and Souki.
- 441 "A BILL FOR AN ACT RELATING TO FIREARMS."
Introduced by: Representative B. Oshiro.
- 442 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."
Introduced by: Representative B. Oshiro.
- 443 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS."
Introduced by: Representative B. Oshiro.
- 444 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative B. Oshiro.
- 445 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."
Introduced by: Representative B. Oshiro.
- 446 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.
- 447 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Pine, Ching, Fontaine, Johanson, Marumoto, Riviere, Thielen and Ward.
- 448 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 9 OF THE HAWAII STATE CONSTITUTION, RELATING TO THE GENERAL FUND EXPENDITURE CEILING."
Introduced by: Representatives Ward, Fontaine, Johanson, Pine, Riviere, Thielen and Ching.
- 449 "A BILL FOR AN ACT RELATING TO FISCAL NOTES."
Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.
- 450 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON SALARIES."
Introduced by: Representatives Marumoto, Ching, Johanson, Riviere, Thielen, Ward, Fontaine and Pine.
- 451 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Keith-Agaran.
- 452 "A BILL FOR AN ACT RELATING TO VOTING."
Introduced by: Representative Keith-Agaran.
- 453 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS."
Introduced by: Representatives Keith-Agaran, McKelvey, Nakashima, Nishimoto, Souki and Yamashita.

454 "A BILL FOR AN ACT RELATING TO SOLAR ENERGY."

Introduced by: Representatives Keith-Agaran, C. Lee, Luke, Nishimoto, Nakashima and Souki.

455 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."

Introduced by: Representatives Keith-Agaran, C. Lee, McKelvey, Nishimoto, Luke, Nakashima and Souki.

456 "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS."

Introduced by: Representatives Keith-Agaran, C. Lee, Luke, McKelvey and Souki.

457 "A BILL FOR AN ACT RELATING TO DEVELOPMENT RIGHTS."

Introduced by: Representatives Keith-Agaran, Nishimoto, C. Lee, Luke, McKelvey, Nakashima and Souki.

458 "A BILL FOR AN ACT RELATING TO WATER RIGHTS."

Introduced by: Representatives Keith-Agaran and McKelvey.

459 "A BILL FOR AN ACT RELATING TO AQUARIUM AQUATIC LIFE."

Introduced by: Representatives Keith-Agaran, C. Lee, Luke, McKelvey, Nakashima and Souki.

460 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Keith-Agaran.

461 "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT."

Introduced by: Representative Keith-Agaran.

462 "A BILL FOR AN ACT RELATING TO LIMOUSINES."

Introduced by: Representative Rhoads.

463 "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS."

Introduced by: Representative Rhoads.

464 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representative Rhoads.

465 "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS."

Introduced by: Representative Rhoads.

466 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representative Rhoads.

467 "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION."

Introduced by: Representative Wooley.

468 "A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS."

Introduced by: Representative Wooley.

469 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Wooley.

470 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Wooley, Awana, Choy, Keith-Agaran, C. Lee, Nakashima, Aquino and Cullen.

471 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 15, OF THE HAWAII STATE CONSTITUTION TO ENACT A SUPERMAJORITY VOTING REQUIREMENT FOR PASSAGE OF LEGISLATION PROPOSING TO RAISE OR CREATE TAXES OR FEES."

Introduced by: Representatives Pine, Ching, Fontaine, Johanson, Marumoto, Riviere, Thielen and Ward.

472 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES."

Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

473 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Representatives Marumoto, Ching, Johanson, Pine, Riviere, Thielen, Ward and Fontaine.

474 "A BILL FOR AN ACT RELATING TO TORTS."

Introduced by: Representatives Marumoto, Ching, Johanson, Pine, Riviere, Thielen, Ward and Fontaine.

475 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

476 "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS."

Introduced by: Representatives Thielen, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Ward.

477 "A BILL FOR AN ACT RELATING TO FOSSIL FUELS."

Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

478 "A BILL FOR AN ACT RELATING TO PAYCHECK PROTECTION."

Introduced by: Representatives Ward, Ching, Fontaine, Marumoto, Pine and Riviere.

479 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

480 "A BILL FOR AN ACT RELATING TO EDUCATION GOVERNANCE."

Introduced by: Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

481 "A BILL FOR AN ACT RELATING TO GAS PIPELINE SYSTEMS."

Introduced by: Representatives M. Lee, Hanohano, Manahan, Chong, Herkes and Rhoads.

482 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representatives M. Lee, Choy, Chong, Herkes and Rhoads.

483 "A BILL FOR AN ACT RELATING TO NURSES."

Introduced by: Representatives M. Lee, Belatti, Cabanilla, Herkes, Mizuno, B. Oshiro, Rhoads and Yamane.

484 "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES."

Introduced by: Representatives M. Lee, Belatti, Cabanilla, Herkes, Morita and Yamane.

485 "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES."

Introduced by: Representatives M. Lee, Belatti, Cabanilla, Herkes, Manahan, Tsuji and Yamane.

486 "A BILL FOR AN ACT RELATING TO ALKALINE BATTERY RECYCLING."

Introduced by: Representatives M. Lee, C. Lee, Rhoads, Wooley, Coffman and Morita.

487 "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES."

Introduced by: Representatives M. Lee, Aquino, Hanohano, Keith-Agaran, Souki, Rhoads and Takumi.

488 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative M. Lee.

489 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives M. Lee, Aquino, Hanohano, Keith-Agaran, Rhoads, Souki and Takumi.

490 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representative M. Lee.

491 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Awana, Fontaine and Aquino.

492 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Awana, Fontaine and Aquino.

493 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF."

Introduced by: Representatives Awana, Aquino and Fontaine.

494 "A BILL FOR AN ACT RELATING TO DEVELOPMENT."

Introduced by: Representative Awana.

495 "A BILL FOR AN ACT RELATING TO ZONING."

Introduced by: Representatives M. Lee and Yamane.

496 "A BILL FOR AN ACT RELATING TO LAKE WILSON."

Introduced by: Representative M. Oshiro.

497 "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES."

Introduced by: Representatives Awana, Aquino, Cabanilla, Chang, Chong, Evans, Hanohano, Har, Marumoto, Mizuno, Cullen, B. Oshiro, Say, Tokioka, Tsuji and Yamashita.

498 "A BILL FOR AN ACT RELATING TO WASTE DISPOSAL."

Introduced by: Representatives Awana, Cabanilla, Marumoto, B. Oshiro, Say, Aquino, Brower, Chang, Chong, Cullen, Har, Mizuno, Tokioka and Yamashita.

499 "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE."

Introduced by: Representatives Awana, by request, Marumoto, Mizuno, Aquino, Evans, Say and Tsuji.

500 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Awana, Har, Johanson, Mizuno, Aquino, Brower, Cullen, Evans, Hanohano, Marumoto, B. Oshiro, Say and Tokioka.

501 "A BILL FOR AN ACT RELATING TO MEMORIALS."

Introduced by: Representatives Awana, Evans, Hanohano, Har, Marumoto, Mizuno, Say, Aquino, Brower, Cabanilla, Chang, Chong, Cullen, Johanson, B. Oshiro, Tokioka, Tsuji and Yamashita.

502 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL FINES."

Introduced by: Representatives Awana, Aquino, Cabanilla, Evans, Hanohano, Mizuno, B. Oshiro, Say, Tsuji, Brower, Chang, Chong, Cullen, Har, Marumoto, Tokioka and Yamashita.

503 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT."

Introduced by: Representatives Awana, Har, Marumoto, Mizuno, Say, Tokioka, Aquino, B. Oshiro and Tsuji.

504 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives Awana, Cabanilla, Har, Marumoto, Say, Tokioka, Chang, B. Oshiro and Tsuji.

505 "A BILL FOR AN ACT RELATING TO FLOOD MITIGATION."

Introduced by: Representatives Awana, Brower, Cabanilla, Chong, Har, Tokioka, Yamashita, Aquino, Chang, Evans, Hanohano, Johanson, Marumoto, Mizuno, B. Oshiro and Say.

506 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Awana, Brower, Chong, Evans, Hanohano, Har, Mizuno, Say, Tokioka, Yamane, Yamashita, Aquino, Cabanilla, Chang, Johanson, Marumoto, B. Oshiro and Tsuji.

507 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives M. Lee, Hanohano, Keith-Agaran, Marumoto, McKelvey, Mizuno, Nakashima, Thielen, Aquino, Awana, Chong, Cullen, Ichiyama, Johanson, Pine, Tokioka and Tsuji.

508 "A BILL FOR AN ACT RELATING TO THE FUNERAL INDUSTRY."

Introduced by: Representatives M. Lee, Cabanilla, Evans, Hanohano, Marumoto, Mizuno, Pine, Thielen, Aquino, Awana, Brower, Chong, Cullen, Fontaine, Ichiyama, Johanson and Tokioka.

509 "A BILL FOR AN ACT RELATING TO THE FUNERAL INDUSTRY."

Introduced by: Representatives Cabanilla, Evans, M. Lee, Mizuno, Aquino, Awana, Brower and Cullen.

510 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives M. Lee, Awana, Brower, Hanohano, Har, Keith-Agaran, Marumoto, McKelvey, Mizuno, Nakashima, Pine, Thielen, Tokioka, Ching, Choy, Cullen, Fontaine, Ichiyama, Riviere and Tsuji.

511 "A BILL FOR AN ACT RELATING TO KUPUNA CARE."

Introduced by: Representatives Marumoto, Brower, Cabanilla, M. Lee, McKelvey, Mizuno, Nakashima, Thielen, Aquino, Awana, Cullen, Evans, Hanohano, Ichiyama, Johanson, Pine, Tokioka and Tsuji.

512 "A BILL FOR AN ACT RELATING TO PALLIATIVE CARE."

Introduced by: Representatives M. Lee, Aquino, Awana, Cabanilla, Evans, Hanohano, Har, Marumoto, McKelvey, Mizuno, Nakashima, Pine, Thielen, Tsuji, Cullen, Fontaine, Ichiyama, Johanson and Tokioka.

513 "A BILL FOR AN ACT RELATING TO AGING."

Introduced by: Representatives M. Lee, Aquino, Awana, Brower, Cullen, Hanohano, Har, Marumoto, McKelvey, Mizuno, Nakashima, Pine, Thielen, Tokioka, Ching, Evans, Ichiyama and Tsuji.

514 "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE DEAF CENTER."

Introduced by: Representatives Tokioka, Aquino, Awana, Brower, Cabanilla, Evans, Hanohano, Har, M. Lee, Marumoto, McKelvey, Mizuno, Nakashima, Pine, Thielen, Chong, Cullen, Ichiyama and Tsuji.

515 "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."

Introduced by: Representatives Mizuno, Brower, Evans, Hanohano, McKelvey, Nakashima and M. Lee.

516 "A BILL FOR AN ACT RELATING TO APPROPRIATIONS MADE OUT OF THE EMERGENCY AND BUDGET RESERVE FUND PURSUANT TO ACT 191, SESSION LAWS OF HAWAII 2010."

Introduced by: Representatives Mizuno, Aquino, Brower, Cullen, Evans, Hanohano, Johanson, Keith-Agaran, McKelvey, Nakashima, Pine, Thielen, Awana, Fontaine, Ichiyama, M. Lee, Marumoto and Tsuji.

517 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representative Nakashima.

518 "A BILL FOR AN ACT RELATING TO ACCESS TO REAL PROPERTY."

Introduced by: Representative Nakashima.

519 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Yamashita, Chong, Choy, Har, Hashem, M. Lee, McKelvey, Rhoads, Tokioka, Tsuji and Yamane.

520 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Ward, Marumoto, Pine and Thielen.

521 "A BILL FOR AN ACT RELATING TO LEGISLATIVE MANAGEMENT AFFAIRS."

Introduced by: Representative Yamashita.

522 "A BILL FOR AN ACT RELATING TO ETHICS."

Introduced by: Representative Yamashita.

523 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representative Yamashita.

524 "A BILL FOR AN ACT RELATING TO GOVERNMENT EXPENDITURES."

Introduced by: Representative Yamashita.

525 "A BILL FOR AN ACT RELATING TO DEPARTMENTAL AUDITS."

Introduced by: Representative Yamashita.

526 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."

Introduced by: Representatives Yamashita, Chang, Chong, Har, Hashem, Manahan, McKelvey, B. Oshiro, Tokioka and Tsuji.

527 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Yamashita, Chong, Choy, Hashem, McKelvey, Tokioka and Tsuji.

528 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Yamashita, Hashem and Tsuji.

529 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Yamashita, Chong and Choy.

530 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."

Introduced by: Representatives Yamashita, Chang and Har.

531 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Manahan, Aquino, Cullen and Yamane.

532 "A BILL FOR AN ACT RELATING TO IOLANI PALACE."

Introduced by: Representatives Manahan, Cullen, Yamane, Aquino and Rhoads.

533 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Manahan, Aquino, Cullen and Yamane.

534 "A BILL FOR AN ACT RELATING TO KUHIO PARK TERRACE."

Introduced by: Representatives Manahan, Aquino, Cullen and Yamane.

535 "A BILL FOR AN ACT RELATING TO THE BUDGET."

Introduced by: Representatives Manahan, Aquino, Cullen and Yamane.

536 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."

Introduced by: Representatives Manahan, Aquino, Cullen and Yamane.

537 "A BILL FOR AN ACT RELATING TO THE STATE TREASURY."

Introduced by: Representatives Manahan, Aquino, Cullen and Yamane.

538 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS."

Introduced by: Representative Ward, by request.

539 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO LIMIT LEGISLATIVE TERMS OF OFFICE."

Introduced by: Representatives Ward, Johanson and Pine.

540 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO TALLYING VOTES."

Introduced by: Representatives Ward, Marumoto, Riviere, Johanson and Pine.

541 "A BILL FOR AN ACT RELATING TO POLITICAL ACTIVITY."

Introduced by: Representatives Ward and Pine.

542 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Ward, Marumoto, Pine, Riviere and Johanson.

543 "A BILL FOR AN ACT RELATING TO GAMBLING."

Introduced by: Representatives B. Oshiro, Keith-Agaran and Rhoads.

544 "A BILL FOR AN ACT RELATING TO MARIJUANA POSSESSION."

Introduced by: Representatives B. Oshiro, Rhoads and Keith-Agaran.

545 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."

Introduced by: Representatives B. Oshiro, Keith-Agaran and Tokioka.

546 "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS."

Introduced by: Representatives B. Oshiro, Rhoads, Yamashita and Keith-Agaran.

547 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representatives Tsuji and Chang.

548 "A BILL FOR AN ACT RELATING TO TRESPASS."

Introduced by: Representatives Tokioka, Awana, Har, B. Oshiro, Say, Cabanilla and Chang.

549 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."

Introduced by: Representatives Tokioka, Awana, Har, Marumoto, Say, Yamashita, Chong, and B. Oshiro.

550 "A BILL FOR AN ACT RELATING TO TELEVISION."

Introduced by: Representatives Tokioka, Chong, Say, Har, and B. Oshiro.

551 "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS."

Introduced by: Representatives Tokioka, Awana, Say, Chong, Har, B. Oshiro and Yamashita.

552 "A BILL FOR AN ACT RELATING TO VISITOR GUIDES."

Introduced by: Representatives Tokioka, Awana, Chong, Har, B. Oshiro, Say and Yamashita.

553 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Aquino, by request.

554 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Aquino, Cabanilla, Cullen, Hanohano, Manahan, Pine, Chong, Choy, M. Lee, B. Oshiro, Souki and Yamashita.

555 "A BILL FOR AN ACT RELATING TO GRAFFITI."

Introduced by: Representatives Aquino, Cabanilla, Choy, Cullen, Hanohano, Manahan, Mizuno, B. Oshiro, Pine, Yamashita, Chong, Nakashima and Souki.

556 "A BILL FOR AN ACT RELATING TO STATUTES OF LIMITATIONS."

Introduced by: Representatives Aquino, Cabanilla, Choy, Cullen, Hanohano, Manahan, Mizuno, Nakashima, Pine, Chong, B. Oshiro and Rhoads.

557 "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES."

Introduced by: Representatives Aquino, Hanohano, M. Lee, Nakashima, Pine, Rhoads, Souki and Yamashita.

558 "A BILL FOR AN ACT RELATING TO WAGES, HOURS, AND WORKING CONDITIONS OF EMPLOYEES OF CONTRACTORS PERFORMING SERVICES."

Introduced by: Representatives Aquino, Cabanilla, Choy, Cullen, Hanohano, Manahan, Nakashima, Mizuno, B. Oshiro, Pine, Rhoads, Souki and Yamashita.

559 "A BILL FOR AN ACT RELATING TO MUSIC THERAPY."

Introduced by: Representatives Aquino, Cabanilla, Choy, Cullen, Hanohano, M. Lee, Manahan, Mizuno, B. Oshiro, Pine, Yamashita, Nakashima and Souki.

560 "A BILL FOR AN ACT RELATING TO FINANCE."

Introduced by: Representatives Chong, M. Lee, B. Oshiro, Say and Yamashita.

561 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Representatives Chong, M. Lee, B. Oshiro, Say and Yamashita.

562 "A BILL FOR AN ACT RELATING TO STATE MONEYS."

Introduced by: Representatives Chong, M. Lee, B. Oshiro, Say and Yamashita.

563 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, M. Lee, B. Oshiro, Say and Yamashita.

564 "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."

Introduced by: Representatives Chong, M. Lee, B. Oshiro, Say and Yamashita.

565 "A BILL FOR AN ACT RELATING TO STATE LEASES."

Introduced by: Representatives Chong, Har, Herkes, Ichiyama, Ito, M. Lee, B. Oshiro, Say and Yamashita.

566 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, M. Lee, B. Oshiro, Tokioka, Yamashita and Say.

567 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, Say and Yamashita.

568 "A BILL FOR AN ACT RELATING TO AQUACULTURE."

Introduced by: Representatives Chong, Har, Hashem, Tsuji, Yamashita and Chang.

569 "A BILL FOR AN ACT RELATING TO MEDICAID."

Introduced by: Representatives Chong, Har, B. Oshiro, Say, Yamashita and M. Lee.

570 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON SALARIES."

Introduced by: Representatives Cullen, Aquino, Choy, Manahan, Yamane and Hashem.

571 "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE."

Introduced by: Representatives Cullen, Aquino, Cabanilla, Manahan, Yamane, Choy and McKelvey.

572 "A BILL FOR AN ACT RELATING TO WEAPONS."

Introduced by: Representatives Cullen, Cabanilla, Choy, Manahan, McKelvey, Aquino and Yamane.

573 "A BILL FOR AN ACT RELATING TO OBSCENITY."

Introduced by: Representatives Cullen, Aquino, Cabanilla, Choy, Manahan, McKelvey, Yamane and Hashem.

574 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

Introduced by: Representatives Cullen, Aquino, Choy, Manahan and McKelvey.

575 "A BILL FOR AN ACT RELATING TO SALARIES."
Introduced by: Representatives Cullen, Aquino, Hashem, Manahan, M. Oshiro, Say, Yamane and Ichiyama.

576 "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representatives Belatti, Aquino, Brower, Carroll, Evans, Hanohano, C. Lee, Luke, McKelvey, Pine, Yamane, Choy, Cullen, Fontaine and Riviere.

577 "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representatives Belatti, Aquino, Brower, Carroll, Evans, Hanohano, C. Lee, Luke, McKelvey, Pine, Choy, Cullen, Fontaine and Riviere.

578 "A BILL FOR AN ACT RELATING TO SHARK FEEDING."
Introduced by: Representatives Har, Chang and Ito.

579 "A BILL FOR AN ACT RELATING TO WILDLIFE."
Introduced by: Representatives Har, Chang and Ito.

580 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representatives Har, Aquino, Cullen and Ito.

581 "A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY."
Introduced by: Representative Har.

582 "A BILL FOR AN ACT RELATING TO MORTGAGES."
Introduced by: Representatives Har, Cabanilla and Ito.

583 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representative Chang.

584 "A BILL FOR AN ACT RELATING TO COUNTY ZONING."
Introduced by: Representative Chang.

585 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES."
Introduced by: Representative Chang.

586 "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS."
Introduced by: Representative Chang.

587 "A BILL FOR AN ACT RELATING TO COUNTIES."
Introduced by: Representative Say, by request.

588 "A BILL FOR AN ACT RELATING TO COUNTIES."
Introduced by: Representative Say, by request.

589 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Say, by request.

590 "A BILL FOR AN ACT RELATING TO AQUARIUM LIFE."
Introduced by: Representative Say, by request.

591 "A BILL FOR AN ACT RELATING TO TARO SECURITY."
Introduced by: Representative Say, by request.

592 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say, by request.

593 "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS."
Introduced by: Representative Say, by request.

594 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Chong, Tsuji and Yamashita.

595 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Tsuji and Yamashita.

596 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Tsuji and Yamashita.

597 "A BILL FOR AN ACT RELATING TO HEALTH CARE."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Yamashita, Chong and Tsuji.

598 "A BILL FOR AN ACT RELATING TO EMERGENCY ON-CALL PHYSICIANS."
Introduced by: Representatives Yamane, Aquino, Cullen, Manahan, McKelvey, Yamashita, M. Lee and Tsuji.

599 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Yamane, Aquino, Cullen, Manahan, McKelvey, Tsuji, Yamashita, Chong, M. Lee and Tokioka.

600 "A BILL FOR AN ACT RELATING TO HEALTH COVERAGE FOR BRAIN INJURIES."
Introduced by: Representative Yamane.

601 "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS."
Introduced by: Representative Yamane.

602 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CERVICAL AND BREAST CANCER SCREENING."
Introduced by: Representative Yamane.

603 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Tsuji, Yamashita, Chong and Tokioka.

604 "A BILL FOR AN ACT RELATING TO FIRE PROTECTION."

Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Chong, Tokioka, Tsuji and Yamashita.

605 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, McKelvey, Chong, Tokioka and Tsuji.

606 "A BILL FOR AN ACT RELATING TO MILK LABELING."

Introduced by: Representatives Yamane, Aquino, Chong, Cullen, M. Lee, Manahan, McKelvey, Tsuji and Yamashita.

607 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, Tokioka, Tsuji and Chong.

608 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Yamane.

609 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Yamane.

610 "A BILL FOR AN ACT RELATING TO HEALTH."

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611 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Yamane.

612 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Yamane.

613 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Representative Yamane.

614 "A BILL FOR AN ACT RELATING TO CHILDREN."

Introduced by: Representatives Yamane, Awana, Mizuno and Fontaine.

615 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH."

Introduced by: Representatives Cullen, Aquino and Yamane.

616 "A BILL FOR AN ACT RELATING TO CHILD CUSTODY."

Introduced by: Representative Evans.

617 "A BILL FOR AN ACT RELATING TO COMPUTERS."

Introduced by: Representative Evans.

618 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER."

Introduced by: Representative Evans.

619 "A BILL FOR AN ACT RELATING TO NET-ENERGY METERING."

Introduced by: Representative Evans.

620 "A BILL FOR AN ACT RELATING TO TAX APPEALS."

Introduced by: Representative Evans.

621 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."

Introduced by: Representative Evans.

622 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Evans.

623 "A BILL FOR AN ACT RELATING TO OPERATION OF MOTOR VEHICLES."

Introduced by: Representative Evans.

624 "A BILL FOR AN ACT RELATING TO AUTOCYCLES."

Introduced by: Representative Evans.

625 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Evans.

626 "A BILL FOR AN ACT RELATING TO THE HAWAII UNIFORM COLLABORATIVE LAW ACT."

Introduced by: Representative Evans.

627 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Evans.

628 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS."

Introduced by: Representative Evans.

629 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Representative Evans.

630 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Evans.

631 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS."

Introduced by: Representative Evans.

632 "A BILL FOR AN ACT RELATING TO NOXIOUS WEEDS."

Introduced by: Representative Evans.

633 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Evans.

634 "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY."

Introduced by: Representative Evans.

635 "A BILL FOR AN ACT RELATING TO AQUARIUM FISH."

Introduced by: Representative Evans.

636 "A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE."

Introduced by: Representatives Belatti, Cabanilla, Carroll, Luke and Morita.

637 "A BILL FOR AN ACT RELATING TO ETHICS."

Introduced by: Representatives Belatti, Cabanilla, Carroll, Luke and Morita.

638 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Belatti, Cabanilla, Carroll, Luke and Morita.

639 "A BILL FOR AN ACT RELATING TO THE PUBLIC'S RIGHT TO KNOW."

Introduced by: Representatives Belatti, Cabanilla, Carroll, Yamane, Choy, Luke, McKelvey and Morita.

640 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."

Introduced by: Representatives Belatti, Cabanilla, Carroll, Choy, Luke and McKelvey.

641 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Brower, Awana, Cabanilla, Mizuno, Wooley, Cullen and Nakashima.

642 "A BILL FOR AN ACT RELATING TO RENTAL AGREEMENTS."

Introduced by: Representatives Brower, Mizuno, Aquino, Belatti, Ichiyama, C. Lee, Nakashima, Nishimoto, Rhoads, Saiki and Takumi.

643 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Brower, Aquino, Cabanilla, C. Lee, M. Lee, Mizuno, Rhoads, Awana, Nakashima and Takumi.

644 "A BILL FOR AN ACT RELATING TO ANIMAL ABUSE."

Introduced by: Representatives Brower, C. Lee, Mizuno, Awana, Fontaine, Nakashima, Takai and Takumi.

645 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Representative Brower.

646 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Representatives Brower, C. Lee, Nishimoto, Rhoads, Ward, Aquino, Belatti, Mizuno, Nakashima, Saiki and Takumi.

647 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representatives Brower, Mizuno, Aquino, Belatti, C. Lee, Nakashima, Nishimoto, Rhoads, Saiki and Takumi.

648 "A BILL FOR AN ACT RELATING TO NOISE."

Introduced by: Representative Brower, by request.

649 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representative Brower.

650 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Representative Brower.

651 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Representative Brower.

652 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Representative Brower.

653 "A BILL FOR AN ACT RELATING TO TOURISM."

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654 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Representative Brower.

655 "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE."

Introduced by: Representatives Evans and Coffman.

656 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representatives Evans, McKelvey and Morikawa.

657 "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION."

Introduced by: Representatives Evans, Coffman, McKelvey and Morikawa.

658 "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION."

Introduced by: Representatives Evans, Coffman, McKelvey and Morikawa.

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| <p>659 "A BILL FOR AN ACT RELATING TO SENTENCING."
Introduced by: Representatives Evans, Coffman and Morikawa.</p> <p>660 "A BILL FOR AN ACT RELATING TO COUNTIES."
Introduced by: Representatives Evans, Coffman and McKelvey.</p> <p>661 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
Introduced by: Representative Evans.</p> <p>662 "A BILL FOR AN ACT RELATING TO CREDIT CARD MARKETING."
Introduced by: Representative Evans.</p> <p>663 "A BILL FOR AN ACT RELATING TO CONTRACTS."
Introduced by: Representative Evans.</p> <p>664 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Evans.</p> <p>665 "A BILL FOR AN ACT RELATING TO CORRECTIONS."
Introduced by: Representative Evans.</p> <p>666 "A BILL FOR AN ACT RELATING TO CORRECTIONS."
Introduced by: Representative Evans.</p> <p>667 "A BILL FOR AN ACT RELATING TO FOOD SAFETY."
Introduced by: Representative Evans.</p> <p>668 "A BILL FOR AN ACT RELATING TO VETERANS."
Introduced by: Representative Evans.</p> <p>669 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Evans.</p> <p>670 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."
Introduced by: Representative Evans.</p> <p>671 "A BILL FOR AN ACT RELATING TO PHARMACISTS."
Introduced by: Representative Evans.</p> <p>672 "A BILL FOR AN ACT RELATING TO PHARMACISTS."
Introduced by: Representative Evans.</p> <p>673 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Evans.</p> <p>674 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Evans.</p> | <p>675 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
Introduced by: Representatives Ito, Awana, Chang, Chong, Har and Tsuji.</p> <p>676 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
Introduced by: Representatives Ito, Awana and Har.</p> <p>677 "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
Introduced by: Representatives Ito, Awana, Har, Chang and McKelvey.</p> <p>678 "A BILL FOR AN ACT RELATING TO INFORMATION."
Introduced by: Representatives Ito, Awana, Chang, McKelvey, Chong, Har, Ichiyama, M. Lee and Tsuji.</p> <p>679 "A BILL FOR AN ACT RELATING TO FIREARMS."
Introduced by: Representatives Ito, Awana, Chang, Har, McKelvey, Tsuji and Ichiyama.</p> <p>680 "A BILL FOR AN ACT RELATING TO KAKAAKO."
Introduced by: Representatives Ito, Awana, Chang, Chong, Har, McKelvey and Tsuji.</p> <p>681 "A BILL FOR AN ACT RELATING TO THE MILITARY."
Introduced by: Representatives Ito, Aquino, Awana, Chang, Cullen, Har, Herkes, Ichiyama, Keith-Agaran, M. Lee, Manahan, McKelvey, M. Oshiro, Rhoads, Tokioka, Tsuji, Yamane and Yamashita.</p> <p>682 "A BILL FOR AN ACT RELATING TO SHORELINE SETBACKS."
Introduced by: Representatives Ito, Awana, Chong, Har, Ichiyama, M. Lee, McKelvey, Thielen and Tsuji.</p> <p>683 "A BILL FOR AN ACT RELATING TO TOXIC PRODUCTS."
Introduced by: Representatives Mizuno, Fontaine, McKelvey, Thielen and Yamane.</p> <p>684 "A BILL FOR AN ACT RELATING TO MINORS."
Introduced by: Representatives Awana, Fontaine, Mizuno, Thielen, Yamane and Johanson.</p> <p>685 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Awana, Fontaine, Mizuno, Thielen and McKelvey.</p> <p>686 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Awana, Mizuno and McKelvey.</p> <p>687 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE COMMISSION ON FATHERHOOD."
Introduced by: Representatives Mizuno, Awana, Thielen and Yamane.</p> |
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688 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Awana, Fontaine, McKelvey, Mizuno, Thielen and Yamane.

689 "A BILL FOR AN ACT RELATING TO THE STATE COMMISSION ON FATHERHOOD."
Introduced by: Representatives Mizuno, Awana, Johanson, Thielen and Yamane.

690 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Mizuno, Awana, Fontaine, McKelvey, Thielen and Yamane.

691 "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION."
Introduced by: Representatives Awana, McKelvey, Mizuno, Thielen, Yamane and Fontaine.

692 "A BILL FOR AN ACT RELATING TO CHILDREN."
Introduced by: Representatives Awana, McKelvey, Mizuno, Thielen and Fontaine.

693 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS."
Introduced by: Representative Carroll.

694 "A BILL FOR AN ACT RELATING TO FISHING."
Introduced by: Representative Carroll.

695 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."
Introduced by: Representative Carroll.

696 "A BILL FOR AN ACT RELATING TO WATER."
Introduced by: Representatives Carroll, Hanohano, C. Lee, Morikawa and Wooley.

697 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll, Evans, Hanohano and Wooley.

698 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Carroll, Evans and Hanohano.

699 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representatives Carroll, Hanohano and Wooley.

700 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representatives Carroll, Evans, Hanohano, Manahan and Wooley.

701 "A BILL FOR AN ACT RELATING TO SCHOOLS."
Introduced by: Representatives Carroll, Hanohano, Manahan, McKelvey and Wooley.

702 "A BILL FOR AN ACT RELATING TO BUSINESS."
Introduced by: Representatives Carroll, Hanohano and Evans.

703 "A BILL FOR AN ACT RELATING TO SCHOOL REGISTRATION FEES."
Introduced by: Representatives Carroll and Hanohano.

704 "A BILL FOR AN ACT RELATING TO FAMILY RELATIONS."
Introduced by: Representatives Carroll and Hanohano.

705 "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS."
Introduced by: Representatives Carroll, Hanohano, Evans and C. Lee.

706 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."
Introduced by: Representatives Carroll, Evans, Hanohano, C. Lee, Manahan and Wooley.

707 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Carroll, Evans, Hanohano, C. Lee, Manahan and Nakashima.

708 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll, Evans, Hanohano, C. Lee, Manahan, Nakashima and Wooley.

709 "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE."
Introduced by: Representatives Carroll, Evans, Hanohano, C. Lee, Morikawa and Wooley.

710 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll, Evans, Hanohano, C. Lee, Manahan, Nakashima and Wooley.

711 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."
Introduced by: Representatives Carroll, Evans, Hanohano and C. Lee.

712 "A BILL FOR AN ACT RELATING TO HAWAIIAN EDUCATION."
Introduced by: Representative Carroll.

713 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITY SITING PROCESS."
Introduced by: Representative Carroll.

714 "A BILL FOR AN ACT RELATING TO HEALTH PLANNING."
Introduced by: Representative Carroll.

- 715 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representative Carroll.
- 716 "A BILL FOR AN ACT RELATING TO ELECTIONS."
Introduced by: Representative Say, by request.
- 717 "A BILL FOR AN ACT RELATING TO MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT."
Introduced by: Representatives Mizuno and Awana.
- 718 "A BILL FOR AN ACT RELATING TO FOSTER YOUTH."
Introduced by: Representatives Jordan and Mizuno.
- 719 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION."
Introduced by: Representative Mizuno.
- 720 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Mizuno.
- 721 "A BILL FOR AN ACT RELATING TO FOSTER YOUTH."
Introduced by: Representative Mizuno.
- 722 "A BILL FOR AN ACT RELATING TO CADMIUM."
Introduced by: Representatives Mizuno, Fontaine, Thielen and Yamane.
- 723 "A BILL FOR AN ACT RELATING TO FORMER FOSTER YOUTH."
Introduced by: Representatives Mizuno, Brower, Awana and Jordan.
- 724 "A BILL FOR AN ACT RELATING TO FOSTER CARE SERVICES."
Introduced by: Representatives Mizuno, Awana and Brower.
- 725 "A BILL FOR AN ACT RELATING TO CHILDREN."
Introduced by: Representative Mizuno.
- 726 "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN."
Introduced by: Representative Mizuno.
- 727 "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES."
Introduced by: Representatives Mizuno, Awana, Brower and Jordan.
- 728 "A BILL FOR AN ACT RELATING TO ASSET BUILDING."
Introduced by: Representatives Mizuno, Awana, Jordan and Brower.
- 729 "A BILL FOR AN ACT RELATING TO ASSET BUILDING."
Introduced by: Representatives Mizuno, Awana and Brower.
- 730 "A BILL FOR AN ACT RELATING TO UNIVERSAL CHILDREN'S SAVINGS ACCOUNTS."
Introduced by: Representative Mizuno.
- 731 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WOMEN AND INFANT CHILDREN FARMERS' MARKET NUTRITION PROGRAM."
Introduced by: Representatives Mizuno, Awana, Brower and Jordan.
- 732 "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES."
Introduced by: Representatives Mizuno, Awana, Brower and Jordan.
- 733 "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS."
Introduced by: Representatives Mizuno, Awana, Brower and Jordan.
- 734 "A BILL FOR AN ACT RELATING TO THE ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE."
Introduced by: Representatives Mizuno, Awana, Brower and Jordan.
- 735 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
Introduced by: Representatives Mizuno, Awana, Brower and Jordan.
- 736 "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES."
Introduced by: Representatives Mizuno, Awana, Cabanilla, Cullen, Har, Manahan, Pine, Chang, Keith-Agaran, Nakashima, Say, Souki, Tokioka and Tsuji.
- 737 "A BILL FOR AN ACT RELATING TO PERSONAL HOME CARE ASSISTANTS."
Introduced by: Representatives Mizuno, Awana, Cabanilla, Chang, Cullen, Har, Manahan, Tokioka, Keith-Agaran, Nakashima, Pine, Say, Souki, Tsuji and Yamashita.
- 738 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."
Introduced by: Representatives Mizuno, Awana, Cabanilla, Chang, Cullen, Har, Manahan, Pine, Tokioka, Keith-Agaran, Nakashima, Say, Souki, Tsuji and Yamashita.
- 739 "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES."
Introduced by: Representatives Mizuno, Awana, Cabanilla, Cullen, Har, Manahan, Pine, Tokioka, Chang, Keith-Agaran, Nakashima, Say, Souki, Tsuji and Yamashita.

740 "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."

Introduced by: Representatives Mizuno, Awana, Cabanilla, Cullen, Har, Keith-Agaran, Manahan, Pine, Chang, Nakashima, Say, Souki, Tokioka, Tsuji and Yamashita.

741 "A BILL FOR AN ACT RELATING TO RECIPROCAL BENEFICIARIES."

Introduced by: Representative Evans.

742 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Evans.

743 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Representative Evans.

744 "A BILL FOR AN ACT RELATING TO DAM SAFETY."

Introduced by: Representative Evans.

745 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Evans.

746 "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY BASED SERVICES FOR ELDERLY AND DISABLED PERSONS."

Introduced by: Representative Evans.

747 "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE."

Introduced by: Representative Evans.

748 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."

Introduced by: Representative Mizuno.

749 "A BILL FOR AN ACT RELATING TO NURSE AIDES."

Introduced by: Representative Mizuno.

750 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Representative Mizuno.

751 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."

Introduced by: Representative Mizuno.

752 "A BILL FOR AN ACT RELATING TO MEDICINE."

Introduced by: Representatives Cabanilla, Chong, Har, Say, Awana, Brower, Chang, Mizuno, B. Oshiro and Rhoads.

753 "A BILL FOR AN ACT RELATING TO HOMELESS PROGRAMS."

Introduced by: Representatives Cabanilla, Brower, Chong, Mizuno, B. Oshiro, Say, Awana, Chang and Marumoto.

754 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."

Introduced by: Representatives Cabanilla, Awana, Brower, Chong, Mizuno, Belatti, Chang, Johanson, Marumoto, B. Oshiro and Say.

755 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."

Introduced by: Representatives Cabanilla, Awana, Brower, Chong, Mizuno, Say, Chang, Har, Johanson, Marumoto, and B. Oshiro.

756 "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES."

Introduced by: Representatives Mizuno and Yamane.

757 "A BILL FOR AN ACT RELATING TO MEDICAID."

Introduced by: Representative Mizuno.

758 "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."

Introduced by: Representative Mizuno.

759 "A BILL FOR AN ACT RELATING TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES."

Introduced by: Representative Mizuno.

760 "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES."

Introduced by: Representative Mizuno.

761 "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES."

Introduced by: Representatives Mizuno, Awana, Brower, Jordan and Yamane.

762 "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION."

Introduced by: Representatives Awana, Brower, Mizuno and Jordan.

763 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Representative Nishimoto.

764 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Representative Nishimoto.

765 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Representative Nishimoto.

766	"A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII."	780	"A BILL FOR AN ACT RELATING TO CHILDREN WITH DISABILITIES."
	Introduced by: Representative Nishimoto.		Introduced by: Representative Say, by request.
767	"A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII."	781	"A BILL FOR AN ACT RELATING TO GAMING."
	Introduced by: Representative Nishimoto.		Introduced by: Representative Say, by request.
768	"A BILL FOR AN ACT RELATING TO HUMAN SERVICES."	782	"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say.
769	"A BILL FOR AN ACT RELATING TO HUMAN SERVICES."	783	"A BILL FOR AN ACT RELATING TO HOUSING."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say.
770	"A BILL FOR AN ACT RELATING TO HUMAN SERVICES."	784	"A BILL FOR AN ACT RELATING TO RENTAL HOUSING."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say.
771	"A BILL FOR AN ACT RELATING TO HUMAN SERVICES."	785	"A BILL FOR AN ACT RELATING TO CONSERVATION."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say.
772	"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE."	786	"A BILL FOR AN ACT RELATING TO SOLID WASTE."
	Introduced by: Representative Mizuno.		Introduced by: Representative Say.
773	"A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL."	787	"A BILL FOR AN ACT RELATING TO PROCUREMENT."
	Introduced by: Representative Say.		Introduced by: Representative Say.
774	"A BILL FOR AN ACT RELATING TO STATE FUNDS."	788	"A BILL FOR AN ACT RELATING TO RENEWABLE FUELS."
	Introduced by: Representative Say.		Introduced by: Representative Say.
775	"A BILL FOR AN ACT RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND."	789	"A BILL FOR AN ACT RELATING TO BIOFUEL PRODUCTION FACILITIES."
	Introduced by: Representative Say.		Introduced by: Representative Say.
776	"A BILL FOR AN ACT RELATING TO THE DWELLING UNIT REVOLVING FUND."	790	"A BILL FOR AN ACT RELATING TO BIOFUEL."
	Introduced by: Representative Say.		Introduced by: Representative Say.
777	"A BILL FOR AN ACT RELATING TO THE HEALTH FUND."	791	"A BILL FOR AN ACT RELATING TO BIOFUELS."
	Introduced by: Representative Say.		Introduced by: Representative Say.
778	"A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."	792	"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."
	Introduced by: Representative Say.		Introduced by: Representative Say.
779	"A BILL FOR AN ACT RELATING TO FRINGE BENEFIT CONTRIBUTIONS."	793	"A BILL FOR AN ACT RELATING TO TAXATION."
	Introduced by: Representative Say.		Introduced by: Representative Say.
		794	"A BILL FOR AN ACT RELATING TO TAXATION."
			Introduced by: Representative Say.
		795	"A BILL FOR AN ACT RELATING TO TAXATION."
			Introduced by: Representative Say.

796 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

797 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

798 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

799 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

800 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

801 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

802 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

803 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

804 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

805 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

806 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.

807 "A BILL FOR AN ACT RELATING TO THE INCOME TAX."
Introduced by: Representative Say.

808 "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX."
Introduced by: Representative Say.

809 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."
Introduced by: Representative Say.

810 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
Introduced by: Representative Say.

811 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
Introduced by: Representative Say.

812 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION."
Introduced by: Representative Say.

813 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION."
Introduced by: Representative Say.

814 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
Introduced by: Representative Say.

815 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
Introduced by: Representative Say.

816 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Say.

817 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Say.

818 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Say.

819 "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS."
Introduced by: Representatives Cabanilla, Awana, M. Lee and Nishimoto.

820 "A BILL FOR AN ACT RELATING TO BILL OF RIGHTS FOR VICTIMS."
Introduced by: Representatives Cabanilla, Awana, Johanson, M. Lee, Ward and Nishimoto.

821 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
Introduced by: Representative C. Lee.

ANNOUNCEMENTS

Representative Luke: "Thank you, Mr. Speaker. I would like to announce that today we're celebrating birthdays of two gentlemen. I have always introduced the birthday of this first gentleman, and today is especially special because he will be turning 80 years young. We wanted to at least celebrate this special occasion by providing cake and ice cream to everyone in the Caucus Room following the State of the State. If you don't get a fill of your cake and ice cream, you can always go to Representative Bob Herkes office. Bob, my good friend, can you stand up so we can all applaud you.

"The other gentleman is as tall as he is wise, Representative Karl Rhoads."

Speaker Say: "At this time, Members, please note that tomorrow, Representative Ward, is a what? What is tomorrow? It's a recess day, yes. On Wednesday we will be taking up the State of the Judiciary Address which will take place in the Senate Chambers. So Regular Session will again begin at 9:30 a.m., after which we'll recess and walk over to the Senate for the 10:00 a.m. address. For today, Members of the House, we'll recess until our Joint Session at 10:00 a.m. for the Governor's State of the State Address."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B.
Nos.

Referred to:

1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance	21	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	22	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary
3	Committee on Public Safety & Military Affairs, then to the Committee on Finance	23	Jointly to the Committee on Economic Revitalization & Business and the Committee on Tourism, then to the Committee on Finance
4	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Education, then to the Committee on Finance	24	Committee on Higher Education, then to the Committee on Finance
5	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	25	Committee on Education, then to the Committee on Finance
6	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	26	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
7	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	27	Committee on Education, then to the Committee on Finance
8	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	28	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
9	Committee on Energy & Environmental Protection, then to the Committee on Finance	29	Committee on Health, then to the Committee on Transportation, then to the Committee on Judiciary
10	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance	30	Committee on Transportation, then to the Committee on Judiciary
11	Committee on Education, then to the Committee on Finance	31	Committee on Higher Education, then to the Committee on Finance
12	Committee on Agriculture, then to the Committee on Judiciary	32	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
13	Committee on Agriculture, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	33	Committee on Housing, then to the Committee on Judiciary
14	Committee on Transportation, then to the Committee on Judiciary	34	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce
15	Committee on Transportation, then to the Committee on Judiciary	35	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
16	Committee on Transportation, then to the Committee on Judiciary	36	Committee on Judiciary, then to the Committee on Finance
17	Committee on Transportation, then to the Committee on Judiciary	37	Committee on Transportation, then to the Committee on Judiciary
18	Committee on Transportation, then to the Committee on Judiciary	38	Committee on Judiciary, then to the Committee on Finance
19	Jointly to the Committee on Transportation and the Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	39	Committee on Housing, then to the Committee on Judiciary
20	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance	40	Committee on Transportation, then to the Committee on Judiciary
		41	Committee on Judiciary
		42	Committee on Judiciary
		43	Committee on Transportation, then to the Committee on Judiciary
		44	Committee on Judiciary
		45	Committee on Housing, then to the Committee on Judiciary
		46	Committee on Housing, then to the Committee on Judiciary

47	Committee on Judiciary, then to the Committee on Finance	70	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
48	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	71	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, then to the Committee on Finance
49	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	72	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, then to the Committee on Higher Education, then to the Committee on Finance
50	Committee on Public Safety & Military Affairs, then to the Committee on Finance	73	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
51	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce	74	Committee on Higher Education, then to the Committee on Finance
52	Committee on Public Safety & Military Affairs, then to the Committee on Finance	75	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
53	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	76	Committee on Transportation, then to the Committee on Judiciary
54	Committee on Consumer Protection & Commerce, then to the Committee on Finance	77	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary
55	Committee on Higher Education, then to the Committee on Finance	78	Committee on Economic Revitalization & Business, then to the Committee on Finance
56	Committee on Human Services, then to the Committee on Judiciary	79	Committee on Finance
57	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	80	Committee on Finance
58	Committee on Transportation, then to the Committee on Finance	81	Committee on Transportation, then to the Committee on Finance
59	Committee on Human Services, then to the Committee on Finance	82	Committee on Labor & Public Employment, then to the Committee on Finance
60	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	83	Committee on Transportation, then to the Committee on Judiciary
61	Committee on Higher Education, then to the Committee on Finance	84	Committee on Tourism, then to the Committee on Finance
62	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	85	Committee on Transportation, then to the Committee on Judiciary
63	Committee on Transportation, then to the Committee on Judiciary	86	Committee on Transportation, then to the Committee on Judiciary
64	Committee on Judiciary	87	Committee on Transportation, then to the Committee on Judiciary
65	Committee on Health, then to the Committee on Finance	88	Committee on Judiciary
66	Committee on Finance	89	Committee on Health, then to the Committee on Tourism, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
67	Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	90	Committee on Judiciary
68	Committee on Energy & Environmental Protection, then to the Committee on Finance	91	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Consumer Protection & Commerce
69	Committee on Housing, then to the Committee on Judiciary	92	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
		93	Committee on Housing, then to the Committee on Consumer Protection & Commerce

94	Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance	118	Committee on Economic Revitalization & Business, then to the Committee on Finance
95	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	119	Committee on Judiciary, then to the Committee on Finance
96	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance	120	Committee on Economic Revitalization & Business, then to the Committee on Finance
97	Committee on Education, then to the Committee on Finance	121	Committee on Public Safety & Military Affairs, then to the Committee on Finance
98	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	122	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Agriculture
99	Committee on Energy & Environmental Protection, then to the Committee on Finance	123	Jointly to the Committee on Transportation and the Committee on Economic Revitalization & Business, then to the Committee on Finance
100	Committee on Judiciary, then to the Committee on Finance		
101	Committee on Transportation, then to the Committee on Judiciary	124	Committee on Health, then to the Committee on Finance
102	Committee on Education, then to the Committee on Finance	125	Committee on Judiciary
103	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance	126	Committee on Judiciary, then to the Committee on Finance
104	Committee on Judiciary	127	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
105	Jointly to the Committee on Economic Revitalization & Business and the Committee on International Affairs, then to the Committee on Legislative Management, then to the Committee on Finance	128	Committee on Judiciary
106	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	129	Committee on Health, then to the Committee on Finance
107	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business	130	Committee on Public Safety & Military Affairs, then to the Committee on Finance
108	Committee on Judiciary	131	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
109	Committee on Judiciary	132	Committee on Judiciary, then to the Committee on Finance
110	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	133	Committee on Health, then to the Committee on Judiciary
111	Committee on Health, then to the Committee on Judiciary	134	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services, then to the Committee on Judiciary
112	Committee on Consumer Protection & Commerce, then to the Committee on Finance	135	Committee on Human Services, then to the Committee on Judiciary
113	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance	136	Committee on Judiciary
114	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	137	Committee on Judiciary, then to the Committee on Finance
115	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	138	Committee on Public Safety & Military Affairs, then to the Committee on Finance
116	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	139	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
117	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary	140	Committee on Judiciary, then to the Committee on Finance
		141	Committee on Judiciary
		142	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
		143	Committee on Judiciary, then to the Committee on Finance
		144	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

145	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	168	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
146	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management	169	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
147	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance	170	Committee on Judiciary
148	Committee on Public Safety & Military Affairs, then to the Committee on Finance	171	Committee on Housing, then to the Committee on Judiciary
149	Committee on Public Safety & Military Affairs, then to the Committee on Finance	172	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
150	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	173	Committee on Judiciary
151	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	174	Committee on Labor & Public Employment, then to the Committee on Finance
152	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	175	Committee on Labor & Public Employment, then to the Committee on Finance
153	Committee on Transportation, then to the Committee on Finance	176	Jointly to the Committee on Housing and the Committee on International Affairs, then to the Committee on Finance
154	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	177	Committee on Higher Education, then to the Committee on Finance
155	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance	178	Committee on Health, then to the Committee on Finance
156	Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources	179	Committee on Economic Revitalization & Business, then to the Committee on Human Services, then to the Committee on Finance
157	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	180	Committee on Health, then to the Committee on Finance
158	Committee on Transportation, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	181	Committee on Transportation, then to the Committee on Judiciary
159	Committee on Education, then to the Committee on Finance	182	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
160	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	183	Committee on Economic Revitalization & Business, then to the Committee on Finance
161	Committee on Human Services, then to the Committee on Finance	184	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
162	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	185	Committee on Economic Revitalization & Business, then to the Committee on Higher Education, then to the Committee on Finance
163	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	186	Committee on International Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
164	Committee on Judiciary, then to the Committee on Finance	187	Committee on Judiciary, then to the Committee on Finance
165	Committee on Judiciary, then to the Committee on Finance	188	Committee on Economic Revitalization & Business, then jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
166	Committee on Labor & Public Employment, then to the Committee on Judiciary	189	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
167	Committee on Labor & Public Employment, then to the Committee on Finance	190	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
		191	Committee on Transportation, then to the Committee on Finance

192	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	215	Committee on Education, then to the Committee on Judiciary
193	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	216	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
194	Committee on Judiciary	217	Committee on Agriculture, then to the Committee on Finance
195	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	218	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
196	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	219	Committee on Judiciary
197	Committee on Labor & Public Employment, then to the Committee on Finance	220	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
198	Committee on Education, then to the Committee on Finance	221	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business
199	Jointly to the Committee on Labor & Public Employment and the Committee on Transportation, then to the Committee on Finance	222	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
200	Committee on Finance	223	Committee on Hawaiian Affairs, then to the Committee on Agriculture, then to the Committee on Finance
201	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	224	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
202	Jointly to the Committee on Labor & Public Employment and the Committee on Transportation, then to the Committee on Finance	225	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
203	Committee on Agriculture, then to the Committee on Finance	226	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary
204	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	227	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
205	Jointly to the Committee on Economic Revitalization & Business and the Committee on Agriculture, then to the Committee on Finance	228	Jointly to the Committee on Health and the Committee on Energy & Environmental Protection, then to the Committee on Finance
206	Committee on Agriculture, then to the Committee on Finance	229	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
207	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	230	Committee on Legislative Management, then to the Committee on Finance
208	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	231	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance
209	Committee on Labor & Public Employment, then to the Committee on Finance	232	Committee on Culture & the Arts, then jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
210	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	233	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Health, then to the Committee on Finance
211	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	234	Committee on Health, then to the Committee on Consumer Protection & Commerce
212	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	235	Committee on Economic Revitalization & Business, then to the Committee on Finance
213	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	236	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
214	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Judiciary		

237	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	266	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources
238	Committee on Human Services, then to the Committee on Judiciary	267	Committee on Judiciary, then to the Committee on Finance
239	Committee on Human Services, then to the Committee on Judiciary	268	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
240	Committee on Judiciary	269	Committee on Agriculture, then to the Committee on Energy & Environmental Protection
241	Committee on Judiciary	270	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
242	Committee on Judiciary	271	Committee on Health, then to the Committee on Finance
243	Committee on Judiciary	272	Committee on Health, then to the Committee on Finance
244	Committee on Judiciary, then to the Committee on Finance	273	Committee on Health, then to the Committee on Finance
245	Committee on Judiciary, then to the Committee on Finance	274	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary
246	Committee on Judiciary, then to the Committee on Finance	275	Committee on Health, then to the Committee on Consumer Protection & Commerce
247	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	276	Committee on Finance
248	Committee on Human Services, then to the Committee on Judiciary	277	Committee on Public Safety & Military Affairs, then to the Committee on Finance
249	Committee on Judiciary	278	Committee on Health, then to the Committee on Finance
250	Committee on Legislative Management, then to the Committee on Finance	279	Committee on Health, then to the Committee on Consumer Protection & Commerce
251	Committee on Judiciary, then to the Committee on Finance	280	Committee on Agriculture
252	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Judiciary	281	Committee on Agriculture
253	Committee on Judiciary	282	Committee on Agriculture
254	Committee on Judiciary	283	Committee on Agriculture, then to the Committee on Finance
255	Committee on Human Services, then to the Committee on Judiciary	284	Committee on Agriculture, then to the Committee on Finance
256	Committee on Judiciary	285	Committee on Agriculture, then to the Committee on Finance
257	Committee on Judiciary, then to the Committee on Finance	286	Committee on Agriculture, then to the Committee on Finance
258	Committee on Judiciary	287	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
259	Committee on Judiciary	288	Committee on Agriculture, then to the Committee on Finance
260	Jointly to the Committee on Economic Revitalization & Business and the Committee on Transportation, then to the Committee on Finance	289	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
261	Committee on Transportation, then to the Committee on Judiciary	290	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
262	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	291	Committee on Finance
263	Committee on Judiciary	292	Committee on Finance
264	Committee on Judiciary, then to the Committee on Finance	293	Committee on Finance
265	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Judiciary	294	Committee on Finance

295	Committee on Finance	326	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
296	Committee on Finance	327	Committee on Economic Revitalization & Business, then to the Committee on Finance
297	Committee on Judiciary, then to the Committee on Finance	328	Committee on Health, then to the Committee on Consumer Protection & Commerce
298	Committee on Judiciary	329	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
299	Committee on Judiciary	330	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
300	Committee on Judiciary, then to the Committee on Finance	331	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
301	Committee on Judiciary, then to the Committee on Finance	332	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce
302	Committee on Judiciary, then to the Committee on Finance	333	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
303	Committee on Finance	334	Committee on Transportation, then to the Committee on Education, then to the Committee on Finance
304	Committee on Finance	335	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance
305	Committee on Finance	336	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance
306	Committee on Finance	337	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
307	Committee on Finance	338	Committee on Education, then to the Committee on Finance
308	Committee on Housing	339	Committee on Education, then to the Committee on Finance
309	Committee on Housing	340	Committee on Education, then to the Committee on Finance
310	Committee on Housing	341	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
311	Committee on Housing	342	Committee on Economic Revitalization & Business, then to the Committee on Finance
312	Committee on Housing	343	Committee on Judiciary, then to the Committee on Finance
313	Committee on Public Safety & Military Affairs, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	344	Committee on Education
314	Committee on Public Safety & Military Affairs, then to the Committee on Finance	345	Committee on Education
315	Committee on Consumer Protection & Commerce	346	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
316	Committee on Consumer Protection & Commerce	347	Committee on Public Safety & Military Affairs, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
317	Committee on Transportation, then to the Committee on Consumer Protection & Commerce	348	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
318	Committee on Public Safety & Military Affairs, then to the Committee on Finance	349	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
319	Committee on Consumer Protection & Commerce		
320	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary		
321	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary		
322	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance		
323	Committee on Health, then to the Committee on Consumer Protection & Commerce		
324	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance		
325	Committee on Agriculture, then to the Committee on Transportation, then to the Committee on Finance		

350	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	375	Committee on Finance
351	Committee on Economic Revitalization & Business, then to the Committee on Finance	376	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
352	Committee on Economic Revitalization & Business, then jointly to the Committee on Transportation and the Committee on Hawaiian Affairs, then to the Committee on Finance	377	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
353	Committee on Judiciary, then to the Committee on Finance	378	Jointly to the Committee on Economic Revitalization & Business and the Committee on Agriculture, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
354	Committee on Judiciary	379	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary
355	Committee on Economic Revitalization & Business, then to the Committee on Finance	380	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
356	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	381	Committee on Judiciary
357	Jointly to the Committee on Economic Revitalization & Business and the Committee on Transportation, then to the Committee on Finance	382	Committee on Legislative Management, then to the Committee on Finance
358	Committee on Transportation, then to the Committee on Finance	383	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance
359	Committee on International Affairs, then to the Committee on Finance	384	Committee on Finance
360	Committee on Education, then to the Committee on Finance	385	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
361	Committee on Judiciary, then to the Committee on Finance	386	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
362	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	387	Committee on Water, Land, & Ocean Resources
363	Committee on Economic Revitalization & Business, then to the Committee on Finance	388	Committee on Water, Land, & Ocean Resources
364	Committee on Economic Revitalization & Business, then to the Committee on Finance	389	Committee on Water, Land, & Ocean Resources
365	Committee on Economic Revitalization & Business, then to the Committee on Finance	390	Committee on Water, Land, & Ocean Resources
366	Committee on Economic Revitalization & Business, then to the Committee on Finance	391	Committee on Water, Land, & Ocean Resources
367	Committee on Economic Revitalization & Business, then to the Committee on Finance	392	Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
368	Committee on Finance	393	Committee on Transportation, then to the Committee on Judiciary
369	Committee on Housing, then to the Committee on Finance	394	Committee on Tourism, then to the Committee on Judiciary, then to the Committee on Finance
370	Committee on Economic Revitalization & Business, then to the Committee on Finance	395	Committee on Hawaiian Affairs, then to the Committee on Higher Education, then to the Committee on Finance
371	Committee on Tourism, then to the Committee on Finance	396	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
372	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business	397	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
373	Committee on Economic Revitalization & Business, then to the Committee on Finance		
374	Committee on Economic Revitalization & Business, then to the Committee on Finance		

398	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	423	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance
399	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	424	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
400	Committee on Hawaiian Affairs, then to the Committee on Finance	425	Committee on Energy & Environmental Protection
401	Jointly to the Committee on Hawaiian Affairs and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	426	Committee on Energy & Environmental Protection
402	Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Transportation, then to the Committee on Finance	427	Committee on Energy & Environmental Protection
403	Committee on Finance	428	Committee on Energy & Environmental Protection
404	Committee on Health, then to the Committee on Finance	429	Committee on Energy & Environmental Protection
405	Committee on Health, then to the Committee on Consumer Protection & Commerce	430	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
406	Committee on Health, then to the Committee on Finance	431	Committee on Public Safety & Military Affairs, then to the Committee on Housing, then to the Committee on Finance
407	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance	432	Committee on Judiciary
408	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	433	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce
409	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	434	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
410	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	435	Committee on Finance
411	Committee on Health, then to the Committee on Finance	436	Committee on Higher Education, then to the Committee on Finance
412	Committee on Health, then to the Committee on Finance	437	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources
413	Committee on Health, then to the Committee on Consumer Protection & Commerce	438	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance
414	Committee on Health, then to the Committee on Consumer Protection & Commerce	439	Committee on Judiciary
415	Committee on Judiciary	440	Committee on Economic Revitalization & Business, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce
416	Committee on Health, then to the Committee on Judiciary	441	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
417	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	442	Committee on Transportation, then to the Committee on Judiciary
418	Committee on Finance	443	Committee on Judiciary
419	Committee on Transportation, then to the Committee on Judiciary	444	Committee on Energy & Environmental Protection, then to the Committee on Finance
420	Committee on Health, then to the Committee on Finance	445	Committee on Education, then to the Committee on Finance
421	Committee on Health, then to the Committee on Consumer Protection & Commerce	446	Committee on Education, then to the Committee on Judiciary
422	Committee on Energy & Environmental Protection, then to the Committee on Finance	447	Committee on Education, then to the Committee on Finance
		448	Committee on Judiciary, then to the Committee on Finance
		449	Committee on Legislative Management, then to the Committee on Finance

450	Committee on Labor & Public Employment, then to the Committee on Finance	472	Committee on Human Services, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
451	Committee on Economic Revitalization & Business, then to the Committee on Finance	473	Committee on Health, then to the Committee on Judiciary
452	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance	474	Committee on Agriculture, then to the Committee on Judiciary
453	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	475	Committee on Economic Revitalization & Business, then to the Committee on Finance
454	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Agriculture	476	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance
455	Committee on Water, Land, & Ocean Resources	477	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
456	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	478	Committee on Labor & Public Employment, then to the Committee on Finance
457	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	479	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
458	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	480	Committee on Education, then to the Committee on Finance
459	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	481	Committee on Consumer Protection & Commerce, then to the Committee on Finance
460	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	482	Committee on Health, then to the Committee on Consumer Protection & Commerce
461	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	483	Committee on Health, then to the Committee on Consumer Protection & Commerce
462	Committee on Transportation, then to the Committee on Judiciary	484	Committee on Health, then to the Committee on Consumer Protection & Commerce
463	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	485	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
464	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	486	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
465	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary	487	Committee on Health, then to the Committee on Finance
466	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	488	Committee on Energy & Environmental Protection, then to the Committee on Finance
467	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	489	Committee on Transportation, then to the Committee on Judiciary
468	Committee on Judiciary	490	Jointly to the Committee on Culture & the Arts and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
469	Committee on Judiciary	491	Committee on Public Safety & Military Affairs, then to the Committee on Finance
470	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance	492	Committee on Public Safety & Military Affairs, then to the Committee on Finance
471	Committee on Judiciary, then to the Committee on Finance	493	Committee on Public Safety & Military Affairs, then to the Committee on Finance
		494	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources
		495	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce

496	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	519	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance
497	Committee on Human Services, then to the Committee on Judiciary	520	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
498	Jointly to the Committee on Energy & Environmental Protection and the Committee on Health, then to the Committee on Finance	521	Committee on Legislative Management
499	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	522	Committee on Legislative Management
500	Committee on Legislative Management, then to the Committee on Education, then to the Committee on Finance	523	Committee on Legislative Management
501	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	524	Committee on Legislative Management
502	Committee on Energy & Environmental Protection, then to the Committee on Finance	525	Committee on Legislative Management
503	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance	526	Jointly to the Committee on Economic Revitalization & Business and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
504	Committee on Energy & Environmental Protection, then to the Committee on Health, then to the Committee on Finance	527	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
505	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	528	Committee on Agriculture, then to the Committee on Finance
506	Committee on Transportation, then to the Committee on Finance	529	Committee on Finance
507	Committee on Health, then to the Committee on Finance	530	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
508	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	531	Committee on Education, then to the Committee on Finance
509	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	532	Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
510	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	533	Committee on Education, then to the Committee on Finance
511	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	534	Committee on Housing, then to the Committee on Finance
512	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	535	Committee on Finance
513	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	536	Committee on Labor & Public Employment, then to the Committee on Finance
514	Committee on Human Services, then to the Committee on Finance	537	Committee on Finance
515	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	538	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
516	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	539	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance
517	Committee on Labor & Public Employment, then to the Committee on Finance	540	Committee on Judiciary, then to the Committee on Finance
518	Committee on Housing, then to the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce	541	Committee on Judiciary
		542	Committee on Judiciary
		543	Committee on Judiciary
		544	Committee on Judiciary
		545	Committee on Judiciary, then to the Committee on Finance
		546	Committee on Labor & Public Employment, then to the Committee on Judiciary
		547	Committee on Finance

548	Committee on Tourism, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	572	Committee on Public Safety & Military Affairs, then to the Committee on Human Services, then to the Committee on Judiciary
549	Committee on Judiciary, then to the Committee on Finance	573	Committee on Judiciary
550	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance	574	Committee on Human Services, then to the Committee on Labor & Public Employment, then to the Committee on Finance
551	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	575	Committee on Labor & Public Employment, then to the Committee on Finance
552	Jointly to the Committee on Tourism and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	576	Committee on Human Services, then to the Committee on Judiciary
553	Committee on Transportation, then to the Committee on Judiciary	577	Committee on Labor & Public Employment, then to the Committee on Judiciary
554	Committee on Education, then to the Committee on Finance	578	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
555	Committee on Judiciary	579	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
556	Committee on Judiciary	580	Committee on Education, then to the Committee on Finance
557	Committee on Consumer Protection & Commerce, then to the Committee on Finance	581	Committee on Housing, then to the Committee on Consumer Protection & Commerce
558	Committee on Labor & Public Employment, then to the Committee on Finance	582	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
559	Committee on Culture & the Arts, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	583	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
560	Committee on Consumer Protection & Commerce, then to the Committee on Finance	584	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
561	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	585	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
562	Committee on Finance	586	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
563	Committee on Energy & Environmental Protection, then to the Committee on Finance	587	Committee on Labor & Public Employment, then to the Committee on Finance
564	Committee on Finance	588	Committee on Labor & Public Employment, then to the Committee on Finance
565	Committee on Economic Revitalization & Business, then to the Committee on Finance	589	Committee on Labor & Public Employment, then to the Committee on Finance
566	Committee on Energy & Environmental Protection, then to the Committee on Finance	590	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
567	Committee on Finance	591	Committee on Agriculture, then to the Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources
568	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	592	Committee on Culture & the Arts, then to the Committee on Finance
569	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	593	Committee on Judiciary
570	Committee on Labor & Public Employment, then to the Committee on Finance	594	Committee on Health, then to the Committee on Finance
571	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Judiciary	595	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

596	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	624	Committee on Transportation, then to the Committee on Judiciary
597	Committee on Health, then to the Committee on Judiciary	625	Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
598	Committee on Health, then to the Committee on Finance	626	Committee on Judiciary, then to the Committee on Finance
599	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	627	Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
600	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	628	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
601	Jointly to the Committee on Health and the Committee on Housing, then to the Committee on Judiciary	629	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
602	Committee on Health, then to the Committee on Finance	630	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
603	Committee on Public Safety & Military Affairs, then to the Committee on Finance	631	Committee on Agriculture, then to the Committee on Finance
604	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	632	Committee on Agriculture, then to the Committee on Finance
605	Committee on Public Safety & Military Affairs, then to the Committee on Finance	633	Committee on Agriculture, then to the Committee on Finance
606	Committee on Health, then to the Committee on Consumer Protection & Commerce	634	Committee on Health, then to the Committee on Judiciary
607	Committee on Judiciary	635	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
608	Committee on Health	636	Committee on Legislative Management, then to the Committee on Judiciary
609	Committee on Health	637	Committee on Judiciary, then to the Committee on Finance
610	Committee on Health	638	Committee on Judiciary, then to the Committee on Finance
611	Committee on Health	639	Committee on Judiciary, then to the Committee on Finance
612	Committee on Health	640	Committee on Judiciary
613	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	641	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
614	Committee on Health, then to the Committee on Finance	642	Committee on Housing, then to the Committee on Consumer Protection & Commerce
615	Committee on Health, then to the Committee on Finance	643	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
616	Committee on Human Services, then to the Committee on Judiciary	644	Committee on Judiciary, then to the Committee on Finance
617	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	645	Committee on Economic Revitalization & Business, then to the Committee on Finance
618	Committee on Judiciary	646	Committee on Transportation, then to the Committee on Judiciary
619	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	647	Jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary
620	Committee on Judiciary, then to the Committee on Finance	648	Jointly to the Committee on Tourism and the Committee on Labor & Public Employment, then to the Committee on Judiciary
621	Committee on Judiciary	649	Committee on Finance
622	Committee on Health, then to the Committee on Education, then to the Committee on Finance		
623	Committee on Transportation, then to the Committee on Judiciary		

650	Committee on Tourism	675	Committee on Labor & Public Employment, then to the Committee on Finance
651	Committee on Tourism	676	Committee on Labor & Public Employment, then to the Committee on Finance
652	Committee on Tourism	677	Committee on Labor & Public Employment, then to the Committee on Finance
653	Committee on Tourism	678	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
654	Committee on Tourism	679	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
655	Committee on Transportation, then to the Committee on Judiciary	680	Committee on Water, Land, & Ocean Resources
656	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	681	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
657	Committee on Education, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	682	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
658	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	683	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
659	Committee on Transportation, then to the Committee on Judiciary	684	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
660	Committee on Transportation, then to the Committee on Judiciary	685	Committee on Health, then to the Committee on Education, then to the Committee on Finance
661	Committee on Public Safety & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	686	Committee on Education, then to the Committee on Finance
662	Committee on Higher Education, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	687	Committee on Human Services, then to the Committee on Finance
663	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	688	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
664	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	689	Committee on Human Services, then to the Committee on Finance
665	Committee on Public Safety & Military Affairs, then to the Committee on Finance	690	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
666	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	691	Committee on Health, then to the Committee on Education, then to the Committee on Finance
667	Jointly to the Committee on Economic Revitalization & Business and the Committee on Agriculture, then to the Committee on Finance	692	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
668	Committee on Public Safety & Military Affairs, then to the Committee on Finance	693	Committee on Health, then to the Committee on Consumer Protection & Commerce
669	Committee on Health, then to the Committee on Finance	694	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
670	Committee on Transportation, then to the Committee on Finance	695	Committee on Health, then to the Committee on Consumer Protection & Commerce
671	Committee on Health, then to the Committee on Consumer Protection & Commerce	696	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
672	Committee on Health, then to the Committee on Consumer Protection & Commerce	697	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
673	Committee on Labor & Public Employment, then to the Committee on Finance		
674	Committee on Labor & Public Employment, then to the Committee on Finance		

698	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	722	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
699	Committee on Education, then to the Committee on Finance	723	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
700	Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance	724	Committee on Human Services, then to the Committee on Finance
701	Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance	725	Committee on Human Services, then to the Committee on Judiciary
702	Committee on Economic Revitalization & Business, then to the Committee on Finance	726	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
703	Committee on Education, then to the Committee on Finance	727	Committee on Human Services, then to the Committee on Finance
704	Committee on Human Services, then to the Committee on Judiciary	728	Committee on Human Services, then to the Committee on Finance
705	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Finance	729	Committee on Economic Revitalization & Business, then to the Committee on Human Services, then to the Committee on Finance
706	Jointly to the Committee on Hawaiian Affairs and the Committee on Economic Revitalization & Business, then to the Committee on Finance	730	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
707	Committee on Education, then to the Committee on Finance	731	Committee on Health, then to the Committee on Finance
708	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	732	Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Finance
709	Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance	733	Committee on Human Services, then to the Committee on Finance
710	Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	734	Committee on Economic Revitalization & Business, then to the Committee on Human Services, then to the Committee on Finance
711	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	735	Committee on Human Services, then to the Committee on Finance
712	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Finance	736	Committee on Human Services, then to the Committee on Finance
713	Committee on Energy & Environmental Protection, then to the Committee on Finance	737	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
714	Committee on Health, then to the Committee on Finance	738	Committee on Human Services, then to the Committee on Finance
715	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	739	Committee on Human Services, then to the Committee on Finance
716	Committee on Judiciary	740	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
717	Committee on Human Services, then to the Committee on Judiciary	741	Committee on Judiciary
718	Committee on Human Services, then to the Committee on Finance	742	Committee on Energy & Environmental Protection, then to the Committee on Higher Education, then to the Committee on Finance
719	Committee on Human Services, then to the Committee on Education, then to the Committee on Finance	743	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
720	Committee on Education, then to the Committee on Finance	744	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
721	Committee on Human Services, then to the Committee on Finance		

745	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	772	Committee on Human Services
746	Committee on Human Services, then to the Committee on Finance	773	Committee on Education, then to the Committee on Finance
747	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	774	Committee on Health, then to the Committee on Finance
748	Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	775	Committee on Transportation, then to the Committee on Finance
749	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce	776	Committee on Housing, then to the Committee on Finance
750	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	777	Committee on Labor & Public Employment, then to the Committee on Finance
751	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	778	Committee on Labor & Public Employment, then to the Committee on Finance
752	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	779	Committee on Labor & Public Employment, then to the Committee on Finance
753	Committee on Housing, then to the Committee on Finance	780	Committee on Health, then to the Committee on Finance
754	Committee on Housing, then to the Committee on Finance	781	Committee on Judiciary, then to the Committee on Finance
755	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance	782	Committee on Economic Revitalization & Business, then to the Committee on Finance
756	Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	783	Committee on Housing, then to the Committee on Finance
757	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	784	Committee on Housing, then to the Committee on Finance
758	Committee on Human Services, then to the Committee on Finance	785	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
759	Committee on Human Services, then to the Committee on Finance	786	Committee on Energy & Environmental Protection, then to the Committee on Finance
760	Committee on Human Services, then to the Committee on Legislative Management, then to the Committee on Finance	787	Committee on Labor & Public Employment, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
761	Committee on Health, then to the Committee on Finance	788	Committee on Energy & Environmental Protection, then to the Committee on Finance
762	Committee on Human Services, then to the Committee on Finance	789	Committee on Energy & Environmental Protection, then to the Committee on Finance
763	Committee on Higher Education	790	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
764	Committee on Higher Education	791	Committee on Energy & Environmental Protection, then to the Committee on Finance
765	Committee on Higher Education	792	Committee on Energy & Environmental Protection, then to the Committee on Finance
766	Committee on Higher Education	793	Committee on Finance
767	Committee on Higher Education	794	Committee on Finance
768	Committee on Human Services	795	Committee on Finance
769	Committee on Human Services	796	Committee on Finance
770	Committee on Human Services	797	Committee on Finance
771	Committee on Human Services	798	Committee on Consumer Protection & Commerce, then to the Committee on Finance
		799	Committee on Finance

800 Committee on Economic Revitalization & Business, then to the Committee on Finance

801 Committee on Economic Revitalization & Business, then to the Committee on Finance

802 Committee on Consumer Protection & Commerce, then to the Committee on Finance

803 Committee on Consumer Protection & Commerce, then to the Committee on Finance

804 Committee on Finance

805 Committee on Finance

806 Committee on Finance

807 Committee on Economic Revitalization & Business, then to the Committee on Finance

808 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance

809 Committee on Tourism, then to the Committee on Finance

810 Committee on Economic Revitalization & Business, then to the Committee on Finance

811 Committee on Economic Revitalization & Business, then to the Committee on Finance

812 Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance

813 Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance

814 Committee on Labor & Public Employment, then to the Committee on Finance

815 Committee on Labor & Public Employment, then to the Committee on Finance

816 Committee on Labor & Public Employment, then to the Committee on Finance

817 Committee on Labor & Public Employment, then to the Committee on Finance

818 Committee on Labor & Public Employment, then to the Committee on Finance

819 Committee on Judiciary, then to the Committee on Finance

820 Committee on Judiciary, then to the Committee on Finance

RECESS

Representative Evans moved that the House stand in Recess until 10:00 a.m. for the purpose of convening in Joint Session, seconded by Representative Pine and carried.

At 9:11 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 2, met in Joint Session with the Senate, to receive the Governor's State of the State Address.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Sixth Legislature was called to order at 9:59 o'clock a.m. by the Honorable Calvin K.Y. Say, Speaker of the House of Representatives.

The Speaker then welcomed and recognized the following honored and distinguished guests:

Lt. Governor Brian Schatz, who was presented a lei by Senator Jill Tokuda;

Chief Justice Mark E. Recktenwald, who was presented a lei by Representative Cindy Evans;

Ms. Colette Machado, Chair, Office of Hawaiian Affairs, who was presented a lei by Representative Pono Chong;

Dr. Nancie Caraway, who was presented a lei by Representative John Mizuno;

Mr. Leighton Oshima, representing Congresswoman Mazie Hirono;

Former Governor George R. Ariyoshi;

Former Governor John Waihee and Mrs. Lynne Waihee;

Former Governor Ben Cayetano and Mrs. Vicky Cayetano;

Former Governor Linda Lingle;

Major General Peter Pawling, US Pacific Command;

Major General Jan-Marc Jouas, US Pacific Air Forces;

Associate Justice Simeon Acoba, Jr.;

Associate Justice Paula Nakayama;

Associate Justice James Duffy, Jr.;

Mayor Peter Carlisle, City & County of Honolulu;

Mayor Billy Kenoi, County of Hawaii;

Mayor Bernard P. Carvalho, County of Kauai;

Mayor Alan Arakawa, County of Maui;

Council Chair Nestor Garcia, City & County of Honolulu;

Council Chair Dominic Yagong, County of Hawaii;

Council Chair Jay Furfaro, County of Kauai;

Ms. Patricia Lee, Honorary Consul General of France;

Mr. David Binns, Consul General of Australia;

Mr. Leoncio R. Cardenas, Consul General of the Philippines;

Mr. Yoshihiko Kamo, Consul General of Japan;

Mr. Bong Joo Kim, Consul General of Korea; and

Mr. Paul Chang, Director General Taipei Economic & Cultural Office.

The Speaker then asked Representatives Blake K. Oshiro and Gene Ward, and Senators Brickwood Galuteria and Sam Slom, to escort the Honorable Neil Abercrombie to the rostrum.

The Governor was presented with lei by Representative Marilyn Lee on behalf of the House of Representatives, and Senator Donna Mercado Kim

on behalf of the Senate. The Speaker then presented to the Members of the Twenty-Sixth Legislature and the audience, the Honorable Neil Abercrombie, Governor of the State of Hawaii.

The Governor then addressed the Joint Session as follows:

"Thank you. *Mahalo nui*. Thank you, so very much. *Mahalo nui*. *Aloha*. Please forgive me for a moment or two. To be back in this Chamber is something of deep and profound meaning here in paradise, in our democracy, our *Hawaii nei*. I literally cannot greet everyone here that means so much to me and I beg your indulgence for a moment or two on that. This building has been so much a part of my whole life. I can't help but notice that the first person sitting there is Clayton Hee. My godson was born on the Primary night of 1986. Clayton's caused me all kinds of trouble all these years. And as Malama just indicated, there's more to come, no doubt.

"But the friendships, the loyalties, the *aloha* that's been expressed. Malama's smiling at me now. She and I used to arm wrestle over on the other side before. I look and I see Gene Ward. We've been rivals for an office here, and we're here today. Gene, I'm glad to see you and thank you for escorting me. Sam Slom. Where's the Lone Ranger? My hair was a heck of a lot longer, and Sam's was darker when we first met one another.

"It was in this House where I began to learn about what I needed to know in order to be here today. I need to tell you a story because I can't help but look over at Ben Cayetano. You see him over there smiling, the man over there with the big smile on his face. I was sitting out there I think, just about where you are Denny and Scott. Just about where you are when we were rookies, when Cayetano and Abercrombie came in to this Body. Over there Joe, where you're sitting was Tony Kunimura, and up here was Jimmy Wakatsuki. We were freshmen and we were going to get the legislation done. We knew what was going on. We put out some legislation on land, and we won. We won. It was only by one vote. Ben said, 'I think we're going to win. I think we're going to win.' And we won. One vote. Terrific.

"And just before the vote was announced, Tony Kunimura from Kauai gets up, and says, 'Mr. Speaker, I'd like to change my vote.' He voted against us of course. And he said, 'I'd like to vote yes. I'd like to vote aye.' And so Wakatsuki recorded it, and Ben and I looked at one another and we were thinking, 'Hey, Aren't we something? Even Tony Kunimura, because of the power of our arguments, the mastery of the legislative process that we had, he's changed his vote and is going with us.'

"So they announced the vote and instantly Kunimura was on his feet. 'Mr. Speaker, I move for reconsideration.' Boom, the gavel comes down, and the next thing, as you can imagine, the sound of torment coming as the recess is called. And boom, they come back in and immediately after Wakatsuki brings the gavel down. The session's now back in order and Kunimura is on his feet instantly saying, 'Mr. Speaker, I call the previous question.' They took the vote and we got smashed. And Cayetano and I are sitting there stunned. The second the vote was announced, Kunimura gets up, and walks over to where we were. Right there where Scott, Denny, Mark, where you are. He comes over, puts his hand on the desk and he says, 'Did you learn anything today college boys?'

"We told him, 'We learned you're the professor.' I called him Professor Kunimura for the rest of our days. But that's what it was all about. He became our friend, our mentor, as did so many. The memories are here.

"So this is a new day, a new day for us. And this new day for me begins with a greeting to all of you. All the distinguished folks that are here today that the Speaker has introduced. And a new day for me begins, I hope, with an honest account of the state of our government.

"Seven weeks ago, when I began my term as Governor, I assembled a team of talented and dedicated public servants that are sitting right over here, and I asked them to make an immediate assessment. Today, I want to give you our report.

"What appears on paper as an \$844 million fiscal deficit through the next biennium, believe me, belies the fact that there is also a severe operational deficit in government. In other words, as difficult as it will be to balance the budget, and I give by the way, credit to all the legislators here, past and present, who have struggled with this. This has not been easy. And the fact that we're able to get here to today is a credit to you, and to those who served with you to this time. That effort to balance the budget will merely be life support for what has become a battered, under-resourced, and often dysfunctional democracy.

"A weakened government affects everyone: business owners waiting for permits that are piling up in offices with a fraction of the necessary personnel; school children without proper tools to learn; and public facilities in disgraceful disrepair.

"We cannot take full advantage of the rise in visitor arrivals because we are not able to maintain these public facilities or invest in the culture and arts programs that make our communities stronger and make those visitors want to return.

"Public employees steadfastly perform their duties in an increasingly demoralizing work environment. Furloughs and hiring freezes that supposedly saved money have sometimes resulted in more expensive private contracts and even excessive overtime pay.

"Basic operations of government are stymied by an information management system that hasn't been upgraded in decades. And as our capacity to provide core services has diminished, our tax dollars have become vulnerable to lawsuits and even expensive court orders. Many of you in this Legislature, particularly in the Education Committees, are only too familiar with what that means. As are those in the area of health.

"Meanwhile, we continue to send billions of dollars out of our islands to pay for food, for fuel, and other basic goods and services that we could and we should produce right here. Worst of all, we have put off making the sacrifices necessary to provide for the education, care and financial security for our children and future generations.

"As we suffered through this erosion of capacity and public confidence distracted occasionally by the question of who was to blame for all this, we are seen as protecting narrow interests to the detriment of all. We have been steadily losing our ability to work together and the trust of the public that we can reverse this course.

"This breakdown of our government is tearing our social fabric and undermining our economic recovery. I think we can all agree on that. This is not a Republican versus Democrat or an ideological situation. This is a crisis we all have to face.

"Now then as Governor, I will take full responsibility for our current situation. But with that responsibility comes an obligation to tell the truth. The truth is that our canoe, which is our beloved Hawaii, could capsize. We are in that unnerving moment when we could all *huli*, when we could turn over. All of us are at risk, and all of us have to face this.

"Our action now must be swift and unified as we right our vessel and pursue, I believe, a four-part economic recovery and reinvestment plan. We'll get through this biennium. There will be better days ahead. We can make it happen, I promise you that. Working together we're going to make it happen. I want to emphasize to everyone on this Floor today, and most certainly to everyone who may be tuning in to what we're saying and what our procedures are today. We are going to do this together. Of necessity and by custom and rite, I stand here. But I stand before you, not above you. And I stand with you. And I pledge to each and every one of you, each and every one, regardless of Party, regardless of background, that our diversity indeed will define us and not divide us. And that this Executive and Legislative Branch of government that is the hallmark of our democracy is something that I honor and treasure, as I honor and treasure every one of you.

"I speak to you as a former colleague. I speak to you as a friend. I speak to you as a fellow child of these islands. Someone who is reaching out to

you with full heart in order to accomplish the things that I know we all want to get done on behalf of Hawaii.

"We'll start by restoring critical government services. Tax revenues will increase as the economy recovers. I think we can all agree on that, but that recovery will be stalled as long as there is a fiscal deficit and a government incapable of performing core duties.

"Therefore I am putting forward a plan that will balance the budget, reallocate public resources to the most important government priorities, and restore the basic functions of government.

"Some of these proposals have been presented and discussed in the past in this Legislature, and I want to pay particular credit to those of you who had the courage to put some of these bills forward. Some of you have been laughed at. Some of you have been mocked. Some of you have been criticized. Some of you have been put into a category, of why is he or she doing that? Some of you have been in the uncomfortable situation of having others say to you, 'Why are you doing this? You're putting us in a bad spot.' The days of that kind of comfort zone for those who have to make decisions, who have been given the responsibility and given the opportunity to make those decisions. That situation can no longer be ignored, so I give you credit.

"In the present context with the challenges facing our State, with long-term liabilities that can no longer be ignored, and with the new possibilities for collaboration with the Executive that I just outlined, we can look at these ideas, every one of your ideas, every one coming from the community. We can look at these ideas with fresh eyes. Proposals that may have been rejected in the past are not only possible, but likely necessary today in my view.

"As I indicated, I want to credit past legislators for bringing us this far along the path in dealing with the fiscal crisis. What follows then for me are some of the measures I think we will now need to face and to address.

"I will be filing a bill to modernize the terms of our Employee Retirement System to reflect the economic and social realities of today, so that it can be sustained into the future. Absent action in this regard, the Retirement System itself is in jeopardy. Absent action in that regard today, the Retirement System itself is in jeopardy. We all have to pull together.

"To this end, I am proposing that we end the current practice of State funded reimbursement for federal Medicare Part B benefits for Hawaii government employees. I am personally one of those recipients. I asked our tax folks and Budget and Finance to start this review with me. Taking a look at me. I'm not going to ask anybody to do anything that I'm not willing to do myself. I am personally, as I said, one of those recipients on the basis of my previous service in State government. But it is a bonus paid for by taxpayers that can no longer be justified in light of our current fiscal and social crisis. I did not earn this benefit, and cannot justify asking taxpayers, public or private, to pay for it.

"I am proposing two fixes to the tax code that will increase revenues to the State. One is a repeal of the State deduction for paying your State taxes. It's an absurdity in the tax code, the elimination of which is long overdue. This change will affect all taxpayers who itemize, so we will phase in the implementation for middle-income earners to lessen the immediate effect.

"The other fix is to implement the recommendation of the Tax Review Commission to treat pension income like all other income for tax purposes, as is done when preparing your federal taxes, as is done when preparing my federal taxes. My proposal includes a provision so that those who are most dependent on their pensions will not be taxed. But people like myself, have to step up. We cannot ask people to do something for us that we're unwilling to do in terms of shared sacrifice. Thank you. And believe me, this is no real sacrifice on my part in that regard. This is the least that I think we can do if we're all going to join together.

"I am proposing what is an overdue increase in the alcohol tax. And will also propose a fee on soda and similar drinks. We can no longer ignore the fact that consumption of these and other such products contribute to rising

public health costs. Revenues from these fees will be used to repair the public health infrastructure, and also to fund prevention and education programs. We have to come to grips not only with childhood obesity, but we have to come to grips with the question of diabetes, the question of our healthcare costs screaming out of control because we can't control ourselves, because we have not disciplined ourselves, because we have not put ourselves in a *pono* way with regard to our own health. Here in paradise that should be a first priority for all of us.

"I expect collective bargaining negotiations to be conducted in good faith and with common goals in mind to achieve savings without disrupting service to the public, to keep State employees on the job with paychecks for their families. I am not going to take public servants who have put everything forward on behalf of the public interest. I am not going to ask fellow public employees to do something other than that which I am willing to come to grips with myself. We want people working. We want their paychecks out there. We want to exercise creativity and long-term thinking then in the bargaining process to improve the work experience and achieve a resolution of the crisis of unfunded liabilities in pension funds and runaway health costs. We cannot avoid it. We have to deal with the unfunded liabilities in terms of pension, and we have to deal with the question of runaway health costs.

"I was here in this Legislature when in the wake of Jack Burns' initiative, Governor George Ariyoshi and subsequently John Waihee helped to bring about the implementation of the most advanced healthcare system in the United States. The Pre-paid Employer Healthcare Plan that we had started in 1974. When Ben and I came in 1975, that was the most advanced, and is still the most advanced in the country. But events have overtaken us. Events have overtaken us. Unfunded liabilities and the screaming advance of healthcare costs are something we can't avoid any longer.

"We need to ensure that our visitor industry is sustainable by bringing the impact fees paid by the increasing number of timeshare occupants into alignment with hotel room occupants who pay the Transient Accommodations Tax. This is not an easy problem to resolve. The timeshare industry as such I think is the wave of the future and we need to address ourselves to it. We need to support it, we need to support travel and tourism, and what I now call the hospitality industry in a way that is beneficial for everyone starting with us. Starting with Hawaii.

"And in that context I will also reallocate funds from the Hawaii Tourism Authority to basic government services such as environmental protection, improvements to public facilities, and advancing culture and the arts. The amount we are spending in the name of marketing Hawaii has grown disproportionate to the amount we need to spend on Hawaii's own infrastructure, social and physical. We need to reprioritize. We need to reprioritize and reinvest in our Hawaii in the things that make us unique. This is not so much a criticism of the Hawaii Tourism Authority. That is not the object. I am not here to point fingers or to criticize. What I'm here to do today is to suggest to you that we need to have a serious discussion about our priorities and the things that make Hawaii what it is, and make Hawaii a place that people want to come to and enjoy and tell others about.

"Now, I must address perhaps the most emotionally trying subject that I'm going to discuss with you. We will have to scale back on those social services for which funding no longer exists. There are some contracts for example entered into by the previous Administration that assumed the existence of additional federal funds for Temporary Assistance for Needy Families. I am not saying that this was done with anything other than the best of intentions. I was part of the Congress at that time that help put those funds forward. I wish that the Congress would continue to aid and assist the states. But every appearance is, and I have to act on the realities in front of me. You have to act on the realities as a Legislature, that are in front of you. It is every likelihood that those funds will not be available any longer. So therefore these unfunded contracts, while they are for very worthy programs, make no mistake about it, even though they're for these worthy programs we're going to have to take a hard look at it. We must now find new ways to support our neighbors.

"We must acknowledge, without flinching, the fact that the rising cost of healthcare also requires that we cut back on benefits provided to Medicaid patients in the coming years in order to sustain health coverage of any kind

for eligible individuals and families. We are the ones on the state level that have to provide the Medicaid side in conjunction with the federal government. Medicare is on the federal side. Medicaid is what we have to take into account, and we're going to have to take a hard look at what those benefits are. That's why we have to get together on the question of obesity, on the question of how we live, on the question of good nutrition for our children in the schools. Good nutrition for our folks in the hospitals and living a *pono* life. This is one of the most difficult things I had to come to grips with as Governor, but we cannot and will not avoid it or evade the necessity of confronting the issue. I am calling on community organizations, private foundations, and all of us to work together with us on the State agency side to help absorb the blows that these changes will bring. And they will be blows.

"All told, this plan will allow us to reduce, and in time eliminate, our fiscal deficit, and to turn around our operating deficiencies in government. This plan will speed up our recovery, result in increased revenues and create a healthy, functioning government that can serve the public good and restore confidence in ourselves.

"This proposal is presented as a package for consideration. I am wide open to other ideas from the Legislature and from the community. I tell you that. You folks know me. You know that I mean it. I'm wide open. This is not presented from on high as a *fait accompli*, that it's already been thought through and all you have to do is put your rubber stamp on it. That's not the condition at all. That's not the way I work. That's not the relationship I want to have. But make no mistake, we cannot and will not entertain ideas that are designed simply to shift responsibility to someone else or to some future time. In the end, we must come to an agreement now that is balanced in its impact, that is adequate to restore the functions of government, and that does not create counterproductive barriers to economic recovery.

"The challenge before us then is not to balance the budget. Our challenge is to ensure that our values and priorities are reflected in the decisions we make and the actions we take. And boy, do I mean what I'm going to say now. The time for debate, debate which merely goes through the motions, or rhetoric for the sake of a safe harbor political agenda, has expired. Everyone must be prepared to contribute.

"For my part as Governor, I propose the New Day Work Projects. In the time I have been in office, our team has been preparing to launch the central part of our economic strategy, a broad-ranged series of capital improvement actions to be called the New Day Work Projects.

"The New Day Work Projects will directly attack unemployment and jumpstart business activity. I'm looking at you, Gene. I'm looking at you, Sam. I got your message. I heard what you said. It will provide an economic boost that will reverberate throughout the State. We will utilize the bonding power of the State, partner with willing private parties, streamline processes, provide work that will result in paychecks for families across all the islands. We're going to take a systematic and integrated approach to New Day Work Projects to ensure broad economic distribution of economic benefits, and we're going to be thoughtful about these projects we're going to select to make sure they match our long-term priorities. You can count on it.

"The folks here on this Floor have been elected to represent individual constituents, yes. But we're going to integrate with your suggestions what needs to be done in order to make this happen. I'm looking forward to that. I want to see it happen. We want smiles on people's faces. We want to see people feeling that sense of prosperity again. That there's a future for them. And we want to put smiles on their faces, especially with the election after reapportionment coming up in 2012. Oh yes, now you see the heads nodding up and down.

"But this is what it's all about. That's what democracy is for and I'm looking forward to working with you. I'm looking forward to being able to implement your suggestions for the New Day Work Projects that you think are best for your people.

"For example, we have ambitious capital improvement plans for the University of Hawaii System, including the West Oahu Campus and the

Palamanui Campus in Kona. These are just examples. I could cite many more. These will provide obviously new educational opportunities for students. The Department of Transportation is freeing a backlog of work to improve our roads, airports and harbors – a transformation of our infrastructure that will have widespread positive effects on our visitor industry and local families for decades to come.

"The New Day Work Projects will look for long-range cost savings. Right now, for lack of action, we have State buildings that have been vacant for years, such as the Lihue Courthouse. Right Bernard? You folks showed me that when I was over visiting, and the Kamamalu building right down here on Richards Street. We can walk right out and see it. We're going to get these buildings back into working condition so that we aren't wasting taxpayer money to lease additional properties. We're going to take cost effective measures to make State buildings energy efficient. This will result in long-term savings for taxpayers and lessen our dependence on foreign oil. We're going to move on the question of energy.

"I'm also going to convene a group of experts and University officials to consider the future of sports and the future of development on Oahu to make a definitive decision on Aloha Stadium and any future stadium that might be built. Other than maintenance related to health and safety, I will divert all other capital improvement dollars for Aloha Stadium to other projects. Right now, multimillion dollar plans to extend the life of Aloha Stadium by 20 years could take 40 years to implement. It is time to reprioritize.

"The New Day Work Projects will look to the future and what our community and economy will look like decades from now. For example, as Honolulu moves on its transit plans, the State will actively encourage and support attractive, sustainable transit-oriented development. The Legislature has proposals on these concepts, including looking at density rights and other zoning initiatives. I will look forward to participating in the discussion and moving quickly.

"The people of Hawaii are going to get to work and build our future.

"In meetings with other governors across the country, I have met some who have an ideological problem with utilizing resources from the federal government and collaborating with the President. We, of course, have no such problem. After all, federal dollars are our tax dollars, and we should pursue our fair share vigorously and strategically. Barack Obama is our President, and his vision is well aligned with ours.

"So the Hawaii Fair Share Initiative led by Lieutenant Governor Schatz, Brian stand up. Where are you? There he is. Thank you. I get to do that because he's as short as I am. But Brian represents an unprecedented effort to bring in additional dollars to Hawaii. Here are two examples of what's already been accomplished:

"First, we've positioned Hawaii to receive nearly, and I hope this is good news for some of you who haven't heard it in the Legislature I think it will be. We repositioned Hawaii to receive nearly \$100 million new federal dollars in 2012 and 2013 to be used for military facility upgrades and veteran cemetery improvements across the State. \$100 million. I want to thank General Wong and our Department of Defense, our Adjutant General and others in the Guard for taking a leadership role in helping us in this regard. By coming up with a little over \$12 million in State funds, we'll get an 8 to 1 return investment for our critical capital improvement projects across the State.

"Another example, the Lieutenant Governor's Office and the Department of Human Services are partnering with the U.S. Department of Veterans Affairs led by our own General Eric Shinseki and Tammy Duckworth of McKinley High School. This partnership will help community-based organizations secure funds to address homeless veterans, part of our homelessness program. There will be additional federal resources available to make sure that we are working in a strategic and humane fashion to solve this problem of homelessness, and veterans homelessness in particular.

"Lieutenant Governor Schatz is providing leadership and forming partnerships that will yield both short and long-term economic benefits for

Hawaii, and is driving real change in my judgment about how we do business with each other.

"This will call for reinvesting in our future.

"As we right our canoe, our top priority must be education. This past Saturday at Washington Place, both the Superintendent of Schools and the President of the University of Hawaii participated in our first cabinet retreat. We're going to integrate the entire Executive decision making process across the State.

"The Department of Education is on the cusp of transformative change as a result of winning President Obama's Race to the Top. I am totally committed to that effort. But to move this forward, we need an immediate resolution to the appointed School Board issue. In the coming weeks, the Legislature needs to give me the enabling legislation allowing the Governor to appoint the School Board. The Senate Education Committee is meeting this afternoon, if I get through this speech in time, to consider a bill that will create a clear line of accountability and direct appointment by the Governor. I am already receiving applications and recommendations through the Governor's website that will allow me to move quickly. This is the clear will of Hawaii's people. I'm prepared to act now.

"As for the University of Hawaii, I have high expectations for how it will transform our State under President Greenwood's leadership. Through its Hawaii Graduation Initiative, UH will increase the number of college graduates by 25 percent by 2015. We can achieve this goal by keeping education affordable and reaching out to students across the State who have not been traditionally well served at UH, including Native Hawaiians and Neighbor Island students. Native Hawaiians and Neighbor Island students are going to be a top priority.

"The University is also the State's think tank. The Thirty-Meter Telescope on Mauna Kea, and the Beacon health information grant at UH-Hilo are two examples of the kind of practical research and innovation that will provide jobs for our people and revenue for the State. Research programs at the University will play a big part in our economic recovery by bringing external dollars into our State and building innovative industries. The University's current research activity brings \$450 million into the State and I will strongly support any measure that will increase that capacity.

"I also want to take a moment to note a unique element in our education system that is often overlooked, but is vitally important to the future of our Hawaii. It brings me back to some of the moments that I've shared with some of you in these Chambers over these past decades. In 1896, it was made illegal to teach the Hawaiian language. In 1986, a group of legislators and community leaders removed that ban. I was part of that group. Today, I would like to introduce a founding member of Punana Leo and the first student of Native Hawaiian ancestry to receive a PhD in Hawaiian and Indigenous Language and Culture Revitalization, Dr. Kauano Kamanā, please stand and be recognized.

"There stands a treasure of Hawaii. Today, we have the opportunity to organize a Hawaiian language university-within-a-university as a next step. Language is a key element in ensuring that Hawaiian culture remains strong and perseveres into the future for the benefit of all. When our young children, when they master language, they master themselves. And when they master themselves, they can achieve anything. That's what the mastery of language is all about. That's the glory of Hawaii and all of the backgrounds. Everything that is brought to Hawaii. And on the basis and foundation of our Polynesian ancestors and the Hawaiian culture that is spread through Aloha, language is the key to all of that. That is the success that's been achieved.

"For those children, for those youngest children, my office has been working with private and public agencies and will be utilizing federal, State and private resources to develop a leadership position in my office for early education. Go ahead, you can clap for that. This person will coordinate efforts across departments and in the private sector as we lay the groundwork for the future establishment of a Department of Early Childhood.

"We will also move to ensure energy and food security for Hawaii. I have spoken of and sustained my interest in an independent Hawaii Energy Authority to move the clean energy agenda forward. However, I am encouraged by the ideas put forward by legislators and the energy community that propose a significant restructuring of the Public Utilities Commission to move energy projects and better connect our islands with the information and transportation infrastructure that we need to make us more self-sufficient. I look forward to working with the Legislature to come up with a solution so we can take action on energy. I'm wide open on how we do this. I'm ready to go. We will move these matters on energy security, energy independence, and we'll do it with dispatch.

"Jobs in energy, agriculture, and environmental protection will be a cornerstone of a new sustainable economy in Hawaii. I think we all agree on that. The Department of Labor and Industrial Relations is ready to deploy now, a \$6 million federal grant to implement a plan to do the necessary workforce development activities needed to increase green jobs throughout Hawaii. We're moving now.

"Another element of our economic security is increasing our broadband capacity. Simply put, our information highway is essential to the future of our islands. We have an outstanding plan produced by the Hawaii Broadband Task Force. Now we will implement it. The potential for Hawaii to be a model state and access outside funding is before us. Our broadband initiative will parallel what we will accomplish in clean energy, and it will be the key to all our economic development plans, I assure you.

"The Department of Economic Development and Tourism will take the lead on these energy and broadband initiatives. We will also refocus our efforts in creative industries such as film and television, a \$400 million industry that we can grow many times with smart investments and strong leadership. Help for small business is also on the way from the Department, working in collaboration with the Department of Commerce and Consumer Affairs to support small business activity. We will not have anybody held up because we failed to be able to move expeditiously on their legitimate request for anything by way of permitting or anything else to move along these projects. That's going to change and change now.

"By far one of the biggest factors hampering this and our government, and costing the taxpayers is our outdated information technology. The Department of Accounting and General Services and my office are preparing to launch an unprecedented public-private partnership to accomplish an unprecedented goal. We are going to transform our government and make Hawaii the envy of the nation in its use of technology.

"All departments, including Health, Human Services, Public Safety, Hawaiian Homelands, Land and Natural Resources – all departments, are working collaboratively to restructure these processes, bring pride back to public service work, rebuild our safety net for our most vulnerable people, and develop partnerships so that we can do a better job of taking care of our own people.

"My Administration will continue to provide messages and proposals regarding the Executive budget and new initiatives. Our goal is to present ideas that are well considered and developed; products of conversations with lawmakers, academics, private businesses, workers, nonprofits, and community leaders. I believe this is the prudent way to govern in a new spirit of cooperation, deliberation, and steady determination to bring to fruition a New Day in Hawaii.

"I believe in Hawaii. I believe that you believe in Hawaii. This is the reason I ran for Governor – to have the opportunity to express every day, my confidence in all of us, no matter what our background or opinion. We are Hawaii – an impossible convergence in the spirit of aloha of discovery, perseverance, unity and humanity. There is no doubt in my mind that we will overcome every one of these challenges.

"On January 8, my friend and colleague, a member of my Armed Services Committee when I was serving in Congress, Representative Gabrielle Giffords, was shot through the head and six others were killed in Arizona.

"An hour after I heard the news, I found myself sitting in my office with Marc Alexander, who had been the Vicar General, I think many of you know, of the Roman Catholic Diocese of Hawaii. Marc was discussing with me, the journey that led him to submit his name and resume through the New Day Hawaii website, to the Abercrombie Administration. I think that's important for you to know. His resume came in like everybody else's, just a citizen hoping perhaps to participate, and put forward what he had to offer. When it first came in people thought, someone's playing a joke. You know somebody's taking advantage of Marc. But no, that's what he had done, so we were talking about that.

"On that day, still in the grip of the emotions in the wake of those events, I found inspiration. Marc and I come from very, very different backgrounds. We've been on opposite sides of very emotional issues and debates. We talked about how we justify ourselves, to ourselves. We talked about homelessness in Hawaii and our responsibilities. We found so much in common. So, joined by common purpose, I asked him to serve and he accepted the job to help lead the charge on homelessness in Hawaii, and, more importantly, to help heal our communities – to reach out to all our brothers and sisters in the spirit of aloha as I reach out to you today.

"Because in Hawaii, we understand that it is our good actions that make us human beings. Our diversity, and beliefs, and background do not divide us, they defines us.

"Government is and should be the literal representation of ourselves of the people of Hawaii. My expectations I know are high. My expectations of myself I can tell you, are high. I am asking every person, each legislator, each administrator, each business person, each worker, each community volunteer, each citizen to help restore our government, restore our sense of community, restore our Hawaii.

"Let us right our canoe. Let us act in a *pono* way and begin our journey back to the heart of our island home with humble hearts and above all, with aloha for each other. *Imua* Hawaii."

President Tsutsui then rose and stated:

"Thank you, Governor Abercrombie. On behalf of the Senate and the House of Representatives we would like to thank you for sharing your vision and ideas with us this morning. We would like to emphasize our willingness to work with you to find solutions to the many challenges which you just mentioned.

"While we know that we will have disagreements along the way, let us be an example of how an Executive and Legislative Branch can work together to overcome adversity.

"So on that note Governor, again on behalf of all of us, we would like to thank you, and we look forward to working collaboratively with you to implement your new beginnings initiatives. With that, I now declare this Joint Session adjourned."

At 10:55 o'clock a.m., President Tsutsui declared the Joint Session of the House of Representatives and the Senate of the Twenty-Sixth Legislature adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Wednesday, January 26, 2011.

FIFTH DAY

Wednesday, January 26, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 9:33 o'clock a.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Representative Marcus R. Oshiro, after which the Roll was called showing all Members present with the exception of Representatives Chang and Har, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 56 through 63) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 56, dated December 30, 2010, transmitting the Medical Claims Conciliation Panel Annual Report and the Design Claims Conciliation Panel Annual Report to the 2010 [sic] Legislature.

Gov. Msg. No. 57, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Implementation Of Chapter 190D, Hawaii Revised Statutes, Ocean And Submerged Lands Leasing as required by Section 12 of Act 176, Sessions Laws of Hawaii 1999.

Gov. Msg. No. 58, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Land Dispositions Made Of Public Lands For Calendar Year 2010 as required by Section 171-29, Hawaii Revised Statutes.

Gov. Msg. No. 59, dated January 14, 2011, transmitting the Department of Land and Natural Resources' report on the Accounting Of All Receipts From Lands Described In Section 5(f) Of The Admission Act For Fiscal Year 2009-2010 as required by Section 5 of Act 178, Session Laws of Hawaii, 2006.

Gov. Msg. No. 60, dated January 18, 2011, transmitting the Information Privacy and Security Councils' report to comply with the provisions of Act 10, SLH 2008.

Gov. Msg. No. 61, dated January 18, 2011, transmitting the Department of Labor and Industrial Relations' (DLIR) Hoisting Machine Operator's Advisory Board Annual Report for fiscal year ending June 30, 2010, as required by Section 396-20, Hawaii Revised Statutes.

Gov. Msg. No. 62, dated January 21, 2011, transmitting the Department of Labor and Industrial Relations' (DLIR) Compacts of Free Association and Employment Core Services for Low-Income Persons for fiscal year ending June 30, 2010, as required by HB 2500, Pt. 3, Sect. 15.2, Act 158 (2008).

Gov. Msg. No. 63, dated January 21, 2011, transmitting the Department of Labor and Industrial Relations' (DLIR) Occupational Safety and Health Report of Contested Cases for fiscal year ending June 30, 2010, as required by §396-11, Hawaii Revised Statutes (HRS).

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 41 and 42) were received by the Clerk and were placed on file:

Dept. Com. No. 41, dated January 11, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the FYs 08-14 Non-General Fund Information report pursuant to Section 37-47, HRS.

Dept. Com. No. 42, dated January 21, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on Findings from the Hawaii Physician Workforce Assessment Project, pursuant to Section 5 of Act 18, Session Laws of Hawaii 2009.

ORDER OF THE DAY

INTRODUCTION OF BILLS

On motion by Representative Evans, seconded by Representative Pine and carried, the following bills (H.B. Nos. 822 through 1665) laying on the Clerk's desk and received up to 6:00 o'clock p.m. passed First Reading by title and were referred to Printing: (Representatives Chang and Har were excused.)

H. B. Nos.

822 "A BILL FOR AN ACT RELATING TO STATE REVENUES."

Introduced by: Representative Say.

823 "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES."

Introduced by: Representative Say.

824 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representative Say.

825 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representative Say.

826 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Say.

827 "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION."

Introduced by: Representative M. Oshiro.

828 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Choy.

829 "A BILL FOR AN ACT RELATING TO PUBLIC ORDER."

Introduced by: Representative Choy.

830 "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS."

Introduced by: Representative Choy.

831 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Representative Choy, by request.

832 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
Introduced by: Representative Choy, by request.

833 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Rhoads.

834 "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION."
Introduced by: Representative Rhoads.

835 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE DISPOSITION OF EXCESS REVENUES."
Introduced by: Representative Rhoads.

836 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."
Introduced by: Representative Rhoads.

837 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS."
Introduced by: Representative Rhoads.

838 "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT."
Introduced by: Representative Say.

839 "A BILL FOR AN ACT RELATING TO INSURANCE."
Introduced by: Representative Say.

840 "A BILL FOR AN ACT RELATING TO LIQUOR."
Introduced by: Representative Say, by request.

841 "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH EXAMINATION REPORTS."
Introduced by: Representative Say, by request.

842 "A BILL FOR AN ACT RELATING TO ABORTION."
Introduced by: Representative Say, by request.

843 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Say, by request.

844 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."
Introduced by: Representative Say.

845 "A BILL FOR AN ACT RELATING TO GROUND LEASES."
Introduced by: Representative Say.

846 "A BILL FOR AN ACT RELATING TO APPRAISALS."
Introduced by: Representative Say.

847 "A BILL FOR AN ACT RELATING TO APPRAISALS."
Introduced by: Representative Say.

848 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."
Introduced by: Representative Say.

849 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Say, by request.

850 "A BILL FOR AN ACT RELATING TO FISHING."
Introduced by: Representative Say, by request.

851 "A BILL FOR AN ACT RELATING TO A COMMERCIAL LOAN PROGRAM FOR SMALL BUSINESSES."
Introduced by: Representative Say, by request.

852 "A BILL FOR AN ACT RELATING TO THE LANAI WATERSHED."
Introduced by: Representative Say, by request.

853 "A BILL FOR AN ACT RELATING TO THE BANK OF THE STATE OF HAWAII."
Introduced by: Representatives M. Oshiro, M. Lee, McKelvey and Takumi.

854 "A BILL FOR AN ACT RELATING TO MANDATORY HEALTH COVERAGE FOR USE OF THE LIFEED INTELLIGENT MEDICAL VIGILANCE SYSTEM."
Introduced by: Representative Say.

855 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII."
Introduced by: Representative Say.

856 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
Introduced by: Representative Say.

857 "A BILL FOR AN ACT RELATING TO LIQUOR TAX."
Introduced by: Representative Wooley.

858 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
Introduced by: Representative Wooley.

859 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIFTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Belatti.

860 "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE BROADCAST PROGRAM."
Introduced by: Representative Belatti.

861	"A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."	875	"A BILL FOR AN ACT RELATING TO STUDENT ENROLLMENT."
	Introduced by: Representative Belatti.		Introduced by: Representatives Ichiyama and Johanson.
862	"A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION."	876	"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."
	Introduced by: Representative Belatti.		Introduced by: Representatives M. Oshiro, Aquino and Cullen.
863	"A BILL FOR AN ACT RELATING TO HEALTH."	877	"A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE."
	Introduced by: Representative M. Oshiro.		Introduced by: Representative Herkes, by request.
864	"A BILL FOR AN ACT RELATING TO THE CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE."	878	"A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS."
	Introduced by: Representative Cabanilla, by request.		Introduced by: Representative Herkes.
865	"A BILL FOR AN ACT RELATING TO INSPECTION FEES."	879	"A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
	Introduced by: Representatives Tsuji, Choy, Chong, Manahan and Morikawa.		Introduced by: Representatives Herkes and Keith-Agaran.
866	"A BILL FOR AN ACT RELATING TO AGRICULTURE."	880	"A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
	Introduced by: Representatives Tsuji, Chong, Choy, Hashem, Manahan and Morikawa.		Introduced by: Representative Herkes.
867	"A BILL FOR AN ACT RELATING TO HEALTHY INITIATIVES."	881	"A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES."
	Introduced by: Representatives Tsuji, Chong, Choy, Hashem, Manahan and Morikawa.		Introduced by: Representative Herkes.
868	"A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT."	882	"A BILL FOR AN ACT RELATING TO JUDICIARY."
	Introduced by: Representatives Tsuji, Chong, Choy, Hashem, Manahan and Morikawa.		Introduced by: Representative Keith-Agaran.
869	"A BILL FOR AN ACT RELATING TO AGRICULTURE."	883	"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO PROVIDE FOR THE ELECTION OF THE ATTORNEY GENERAL."
	Introduced by: Representatives Tsuji, Chong, Manahan, Morikawa, Choy and Hashem.		Introduced by: Representative Keith-Agaran.
870	"A BILL FOR AN ACT RELATING TO COSTS OF ARBITRATION PROCEEDINGS."	884	"A BILL FOR AN ACT RELATING TO FAMILY LEAVE."
	Introduced by: Representative Keith-Agaran.		Introduced by: Representatives M. Oshiro and Rhoads.
871	"A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT."	885	"A BILL FOR AN ACT RELATING TO CONTRACTORS."
	Introduced by: Representative Keith-Agaran.		Introduced by: Representative Say, by request.
872	"A BILL FOR AN ACT RELATING TO CAMPAIGNS."	886	"A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
	Introduced by: Representative Keith-Agaran.		Introduced by: Representative Say, by request.
873	"A BILL FOR AN ACT RELATING TO PLANNING AND ECONOMIC DEVELOPMENT."	887	"A BILL FOR AN ACT RELATING TO WAGES."
	Introduced by: Representative Ichiyama.		Introduced by: Representative Say, by request.
874	"A BILL FOR AN ACT RELATING TO SOLID WASTE."	888	"A BILL FOR AN ACT RELATING TO CONTRACTORS."
	Introduced by: Representative Ichiyama.		Introduced by: Representative Say, by request.

- 889 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Nishimoto, Belatti, Hanohano, C. Lee, Mizuno, Morikawa, Wooley, Yamane and Jordan.
- 890 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIRST REPRESENTATIVE DISTRICT."
Introduced by: Representative Nishimoto.
- 891 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."
Introduced by: Representative Nishimoto, by request.
- 892 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Carroll, Evans, Hanohano, Morikawa and Wooley.
- 893 "A BILL FOR AN ACT RELATING TO PRIVATE ATTORNEY GENERAL."
Introduced by: Representatives Carroll, Evans, Hanohano, Morikawa and Wooley.
- 894 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
Introduced by: Representatives Carroll, Hanohano, Evans, Morikawa and Wooley.
- 895 "A BILL FOR AN ACT RELATING TO STATE AGENCIES."
Introduced by: Representatives Carroll, Evans, Hanohano, Morikawa and Wooley.
- 896 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
Introduced by: Representatives Carroll, Hanohano, Evans and Wooley.
- 897 "A BILL FOR AN ACT RELATING TO HOMELESSNESS."
Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.
- 898 "A BILL FOR AN ACT RELATING TO HOUSING POLICY."
Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.
- 899 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.
- 900 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.
- 901 "A BILL FOR AN ACT RELATING TO THE RENTAL HOUSING TRUST FUND."
Introduced by: Representatives Saiki, Belatti, Nishimoto, Rhoads and Brower.
- 902 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee, Manahan and Yamashita.
- 903 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee and Manahan.
- 904 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
Introduced by: Representatives Yamane, Aquino, Cullen, M. Lee and Manahan.
- 905 "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES."
Introduced by: Representatives Yamane, Aquino, Cullen, Manahan and Yamashita.
- 906 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Yamane.
- 907 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Takumi and Belatti.
- 908 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Takumi and Belatti.
- 909 "A BILL FOR AN ACT RELATING TO FAMILY COURT."
Introduced by: Representative Evans.
- 910 "A BILL FOR AN ACT RELATING TO HAWAII GRANT OFFICE."
Introduced by: Representative Evans.
- 911 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Evans.
- 912 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."
Introduced by: Representative Evans.
- 913 "A BILL FOR AN ACT RELATING TO TITLE INSURANCE."
Introduced by: Representative Evans.
- 914 "A BILL FOR AN ACT RELATING TO POWER OF ATTORNEY."
Introduced by: Representative Souki.

915 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."

Introduced by: Representatives Souki, Carroll, Keith-Agaran, McKelvey, Yamashita and Fontaine.

916 "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS."

Introduced by: Representatives Souki and Yamane.

917 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Souki, McKelvey, Yamashita, Carroll and Fontaine.

918 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Souki and Ichiyama.

919 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Cullen, Aquino, Hashem, Manahan, Say and Yamane.

920 "A BILL FOR AN ACT RELATING TO THE LONG-TERM AGRICULTURAL LEASE TASK FORCE."

Introduced by: Representative Wooley.

921 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND USE."

Introduced by: Representatives Wooley, Hanohano and Carroll.

922 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Wooley, Hanohano and Carroll.

923 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Ito.

924 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representatives Ito, Awana, Chang, Manahan, Mizuno, Yamane, Ichiyama, M. Lee and Souki.

925 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representatives Ito, Awana, Chang, Manahan, Mizuno, Ichiyama and Souki.

926 "A BILL FOR AN ACT RELATING TO SHORELINE SETBACK."

Introduced by: Representatives Ito, Awana, Chang, M. Lee, Manahan, Mizuno, Souki, Thielen, Ichiyama and Yamane.

927 "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS."

Introduced by: Representative Har.

928 "A BILL FOR AN ACT RELATING TO TRANSIT-ORIENTED DEVELOPMENT."

Introduced by: Representative Har.

929 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Representative Har.

930 "A BILL FOR AN ACT RELATING TO MEDICAL TORTS."

Introduced by: Representatives Har and McKelvey.

931 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Representatives Har and Chang.

932 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Pine, Ching, Fontaine, Hanohano, C. Lee, Marumoto, Rhoads, Ward, Awana, M. Lee and Souki.

933 "A BILL FOR AN ACT RELATING TO RESIDENTIAL DEVELOPMENT."

Introduced by: Representatives Pine, Awana, C. Lee, Fontaine, M. Lee, Marumoto, Souki and Ward.

934 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO IMPOSE A ONE YEAR DISTRICT RESIDENCY REQUIREMENT ON CANDIDATES FOR STATE LEGISLATIVE OFFICE."

Introduced by: Representatives Pine, Fontaine, Hanohano, C. Lee, Marumoto, Rhoads and Takai.

935 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Pine, Ching, Fontaine, Hanohano, C. Lee, Marumoto, Rhoads, Takai, Awana, Souki and Ward.

936 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives Pine, Fontaine, Hanohano, C. Lee, Marumoto, Rhoads, Takai and Awana.

937 "A BILL FOR AN ACT RELATING TO TOURISM."

Introduced by: Representative Brower.

938 "A BILL FOR AN ACT RELATING TO A NON-BINDING REFERENDUM ON GAMBLING."

Introduced by: Representative Brower.

939 "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATIONS."

Introduced by: Representatives Brower and Nishimoto.

940 "A BILL FOR AN ACT RELATING TO INFERTILITY PROCEDURES."

Introduced by: Representative Brower.

941 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative M. Lee.

942 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
Introduced by: Representatives M. Lee, Awana, Chong, Hanohano, Ichiyama and Rhoads.

943 "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT."
Introduced by: Representatives M. Lee, Awana, Hanohano, Ichiyama, Yamane and Rhoads.

944 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."
Introduced by: Representative M. Lee.

945 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative M. Lee.

946 "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING."
Introduced by: Representatives Awana, Har, McKelvey and Mizuno.

947 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representatives Awana, Chang, Har, McKelvey, Mizuno, Tsuji and Yamashita.

948 "A BILL FOR AN ACT RELATING TO CEDED LANDS."
Introduced by: Representatives Awana, Hanohano, Har and Chang.

949 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Awana, Chang, Har, McKelvey, Mizuno and Yamashita.

950 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH INFORMATION TECHNOLOGY."
Introduced by: Representatives Awana, Chang, Har, McKelvey and Mizuno.

951 "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE."
Introduced by: Representatives Takumi and Belatti.

952 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS."
Introduced by: Representatives Takumi and Belatti.

953 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.

954 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Manahan and Cullen.

955 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Manahan, Cullen and Yamane.

956 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representatives Chang and Tsuji.

957 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SECOND REPRESENTATIVE DISTRICT."
Introduced by: Representatives Chang and Tsuji.

958 "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS."
Introduced by: Representatives Chang, Brower, Mizuno, Nakashima, Nishimoto, Souki, Tsuji and Chong.

959 "A BILL FOR AN ACT RELATING TO DNA COLLECTION FOR ARRESTEES OF VIOLENT CRIMES."
Introduced by: Representatives Chang, Brower, Mizuno, Nakashima, Nishimoto, Souki, Tsuji and Chong.

960 "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING."
Introduced by: Representatives Chang, Chong, Mizuno, Nakashima, Nishimoto, Souki, Tsuji and Brower.

961 "A BILL FOR AN ACT RELATING TO CONTRACTORS."
Introduced by: Representatives Hashem, Aquino, Belatti, Choy, Fontaine, C. Lee, Nakashima, Pine and Ward.

962 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Hashem, Aquino, Cullen, Ichiyama, Marumoto, McKelvey, Tsuji, Chong and Yamashita.

963 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
Introduced by: Representatives Hashem, Aquino, Chong, Cullen, Ichiyama, Marumoto, McKelvey, Souki, Tsuji, Yamane, Yamashita and Rhoads.

964 "A BILL FOR AN ACT RELATING TO GUBERNATORIAL TRANSITION."
Introduced by: Representative Hashem, by request.

965 "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL."
Introduced by: Representatives Aquino, Cullen, Manahan, Chong, Ichiyama, M. Lee and Yamane.

966 "A BILL FOR AN ACT RELATING TO FIRE PROTECTION."
Introduced by: Representatives Aquino, Cullen, Manahan, Ichiyama, M. Lee and Yamane.

967 "A BILL FOR AN ACT RELATING TO PUBLIC ORDER."
Introduced by: Representatives Aquino, Cullen, Manahan, Say, Yamane and Ichiyama.

968 "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS."

Introduced by: Representatives Aquino, Cullen, M. Lee, Manahan, Say and Yamane.

969 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Representatives Aquino, Cullen, Manahan and Yamane.

970 "A BILL FOR AN ACT RELATING TO CARGO INSPECTIONS."

Introduced by: Representatives Chong, B. Oshiro, Tsuji and Chang.

971 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representative Chong.

972 "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS."

Introduced by: Representative Chong.

973 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Chong, B. Oshiro, M. Oshiro, Say and Yamashita.

974 "A BILL FOR AN ACT RELATING TO STATE EMPLOYEES."

Introduced by: Representative Chong.

975 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES."

Introduced by: Representatives Ito, Manahan, McKelvey and Yamane.

976 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Yamashita.

977 "A BILL FOR AN ACT RELATING TO THE WORKS OF ART SPECIAL FUND."

Introduced by: Representative Yamashita.

978 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives Yamashita, Keith-Agaran, Yamane, Carroll, Fontaine, McKelvey and Souki.

979 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES."

Introduced by: Representatives Yamashita, Chong, Herkes, McKelvey, Tsuji and Yamane.

980 "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD."

Introduced by: Representatives Yamashita, Chong, Hashem, Herkes, McKelvey, Tsuji and Yamane.

981 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Representative Morita.

982 "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS."

Introduced by: Representative Morita.

983 "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION."

Introduced by: Representatives McKelvey, Chong and Yamashita.

984 "A BILL FOR AN ACT RELATING TO SCIENCE AND TECHNOLOGY."

Introduced by: Representatives McKelvey, Chong, Evans and Manahan.

985 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Representatives McKelvey, Chong, Keith-Agaran, Souki and Yamashita.

986 "A BILL FOR AN ACT RELATING TO TELEVISION AND FILM PRODUCTION."

Introduced by: Representatives McKelvey, Evans, Manahan, Souki and Chong.

987 "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES."

Introduced by: Representative McKelvey.

988 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Souki.

989 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Souki.

990 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Representative Souki.

991 "A BILL FOR AN ACT RELATING TO AIRPORTS."

Introduced by: Representative Souki.

992 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Representative Souki.

993 "A BILL FOR AN ACT RELATING TO THE HAWAII MARINE HIGHWAY SYSTEM."

Introduced by: Representative Souki.

994 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Representative Nakashima.

995	"A BILL FOR AN ACT RELATING TO EDUCATION."	1009	"A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER."
	Introduced by: Representatives Nakashima, Aquino, Awana, Choy, Cullen, Ichiyama, Morikawa and Wooley.		Introduced by: Representative Say, by request.
996	"A BILL FOR AN ACT RELATING TO STATE LAND LEASES."	1010	"A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS."
	Introduced by: Representatives Nakashima, Evans, Hanohano, Herkes and Tsuji.		Introduced by: Representative Say, by request.
997	"A BILL FOR AN ACT RELATING TO PERSONAL INJURY INSURANCE."	1011	"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL."
	Introduced by: Representative Nakashima.		Introduced by: Representative Say, by request.
998	"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."	1012	"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL."
	Introduced by: Representatives Nakashima, Aquino, Choy, Coffman, Cullen, Ichiyama, Keith-Agaran, C. Lee, Morikawa and Wooley.		Introduced by: Representative Say, by request.
999	"A BILL FOR AN ACT RELATING TO ASPARTAME."	1013	"A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING TAX CREDITS."
	Introduced by: Representative Coffman, by request.		Introduced by: Representative Say, by request.
1000	"A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES."	1014	"A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1001	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."	1015	"A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1002	"A BILL FOR AN ACT RELATING TO THE PENAL CODE."	1016	"A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1003	"A BILL FOR AN ACT RELATING TO THE PENAL CODE."	1017	"A BILL FOR AN ACT RELATING TO BIOFUELS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1004	"A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES."	1018	"A BILL FOR AN ACT RELATING TO RENEWABLE FUELS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1005	"A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."	1019	"A BILL FOR AN ACT RELATING TO SUSTAINABILITY."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1006	"A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC."	1020	"A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1007	"A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN."	1021	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1008	"A BILL FOR AN ACT RELATING TO THE POWER OF ARREST."	1022	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.

1023	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1037	"A BILL FOR AN ACT RELATING TO EMPLOYER CONTRIBUTIONS TO THE EMPLOYEES' RETIREMENT SYSTEM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1024	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1038	"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1025	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1039	"A BILL FOR AN ACT RELATING TO TRANSPORTATION."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1026	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1040	"A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1027	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1041	"A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1028	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1042	"A BILL FOR AN ACT RELATING TO THE DEFINITION OF COMPENSATION FOR PURPOSES OF THE EMPLOYEES' RETIREMENT SYSTEM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1029	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1043	"A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1030	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1044	"A BILL FOR AN ACT RELATING TO THE PUBLIC NOTICES FOR THE EXPENDITURE CEILING AND THE AWARDING OF GRANTS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1031	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1045	"A BILL FOR AN ACT RELATING TO INSURANCE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1032	"A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1046	"A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1033	"A BILL FOR AN ACT RELATING TO PUBLIC FINANCE"	1047	"A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1034	"A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS."	1048	"A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1035	"A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM."	1049	"A BILL FOR AN ACT RELATING TO INSURANCE."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
1036	"A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM."	1050	"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.

1051	"A BILL FOR AN ACT RELATING TO INSURANCE." Introduced by: Representative Say, by request.	1066	"A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES." Introduced by: Representative Say, by request.
1052	"A BILL FOR AN ACT RELATING TO INSURANCE." Introduced by: Representative Say, by request.	1067	"A BILL FOR AN ACT RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY." Introduced by: Representative Say, by request.
1053	"A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS." Introduced by: Representative Say, by request.	1068	"A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES." Introduced by: Representative Say, by request.
1054	"A BILL FOR AN ACT RELATING TO EDUCATION." Introduced by: Representative Say, by request.	1069	"A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED." Introduced by: Representative Say, by request.
1055	"A BILL FOR AN ACT RELATING TO EDUCATION." Introduced by: Representative Say, by request.	1070	"A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES." Introduced by: Representative Say, by request.
1056	"A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS." Introduced by: Representative Say, by request.	1071	"A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL." Introduced by: Representative Say, by request.
1057	"A BILL FOR AN ACT RELATING TO EDUCATION." Introduced by: Representative Say, by request.	1072	"A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES." Introduced by: Representative Say, by request.
1058	"A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS." Introduced by: Representative Say, by request.	1073	"A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION." Introduced by: Representative Say, by request.
1059	"A BILL FOR AN ACT RELATING TO THE BUDGET" Introduced by: Representative Say, by request.	1074	"A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS." Introduced by: Representative Say, by request.
1060	"A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY." Introduced by: Representative Say, by request.	1075	"A BILL FOR AN ACT RELATING TO FAIR HOUSING REASONABLE ACCOMMODATIONS." Introduced by: Representative Say, by request.
1061	"A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND." Introduced by: Representative Say, by request.	1076	"A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW." Introduced by: Representative Say, by request.
1062	"A BILL FOR AN ACT RELATING TO HEALTH." Introduced by: Representative Say, by request.	1077	"A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW." Introduced by: Representative Say, by request.
1063	"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED." Introduced by: Representative Say, by request.	1078	"A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997." Introduced by: Representative Say, by request.
1064	"A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS." Introduced by: Representative Say, by request.	1079	"A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS." Introduced by: Representative Say, by request.
1065	"A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS." Introduced by: Representative Say, by request.		

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| <p>1080 "A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION COMMISSION."</p> <p>Introduced by: Representative Say, by request.</p> <p>1081 "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS ON PUBLIC LANDS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1082 "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND."</p> <p>Introduced by: Representative Say, by request.</p> <p>1083 "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1084 "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE LIEUTENANT GOVERNOR SPECIAL FUND."</p> <p>Introduced by: Representative Say, by request.</p> <p>1085 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."</p> <p>Introduced by: Representative Say, by request.</p> <p>1086 "A BILL FOR AN ACT RELATING TO CORRECTIONS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1087 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."</p> <p>Introduced by: Representative Say, by request.</p> <p>1088 "A BILL FOR AN ACT RELATING TO CORRECTIONS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1089 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."</p> <p>Introduced by: Representative Say, by request.</p> <p>1090 "A BILL FOR AN ACT RELATING TO CHAPTER 243, HAWAII REVISED STATUTES."</p> <p>Introduced by: Representative Say, by request.</p> <p>1091 "A BILL FOR AN ACT RELATING TO USE TAX."</p> <p>Introduced by: Representative Say, by request.</p> <p>1092 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representative Say, by request.</p> <p>1093 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."</p> <p>Introduced by: Representative Say, by request.</p> | <p>1094 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."</p> <p>Introduced by: Representative Say, by request.</p> <p>1095 "A BILL FOR AN ACT RELATING TO MOPEDS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1096 "A BILL FOR AN ACT RELATING TO MOPED INSTRUCTION PERMITS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1097 "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX."</p> <p>Introduced by: Representative Say, by request.</p> <p>1098 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION."</p> <p>Introduced by: Representative Say, by request.</p> <p>1099 "A BILL FOR AN ACT RELATING TO COSTS OF RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES."</p> <p>Introduced by: Representative Say, by request.</p> <p>1100 "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES."</p> <p>Introduced by: Representative Say, by request.</p> <p>1101 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION."</p> <p>Introduced by: Representative Say, by request.</p> <p>1102 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX."</p> <p>Introduced by: Representative Say, by request.</p> <p>1103 "A BILL FOR AN ACT RELATING TO THE FUNDS OF THE UNIVERSITY OF HAWAII."</p> <p>Introduced by: Representative Say, by request.</p> <p>1104 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."</p> <p>Introduced by: Representative Say, by request.</p> <p>1105 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."</p> <p>Introduced by: Representative Say, by request.</p> <p>1106 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT MANOA."</p> <p>Introduced by: Representative Say, by request.</p> <p>1107 "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD."</p> <p>Introduced by: Representatives Takai, Aquino, Brower, Chang, Ching, Cullen, Herkes, Johanson, C. Lee, McKelvey, Mizuno, Nishimoto, Pine, Riviere, Souki, Tokioka, Ward, Chong, Keith-Agaran, M. Lee, B. Oshiro and Rhoads.</p> |
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1108 "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE."

Introduced by: Representatives Takai, Belatti, Brower, Chang, Cullen, Herkes, Johanson, C. Lee, Nishimoto, Pine, Tokioka, Aquino, Chong, Fontaine, Keith-Agaran, M. Lee, McKelvey, Mizuno, B. Oshiro, Riviere and Souki.

1109 "A BILL FOR AN ACT RELATING TO FAMILY LEAVE."

Introduced by: Representatives Takai, Aquino, Belatti, Chang, Ching, Chong, Cullen, Herkes, Johanson, C. Lee, McKelvey, Mizuno, Nishimoto, Pine, Riviere, Ward, Keith-Agaran, M. Lee, B. Oshiro, Rhoads, Souki and Tokioka.

1110 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."

Introduced by: Representatives Takai, Aquino, Cullen, Mizuno, B. Oshiro, Riviere and Souki.

1111 "A BILL FOR AN ACT RELATING TO MILITARY BENEFITS."

Introduced by: Representatives Takai, Riviere, Aquino, Cullen, Mizuno, B. Oshiro and Souki.

1112 "A BILL FOR AN ACT RELATING TO LICENSING."

Introduced by: Representatives C. Lee, Takai and Marumoto.

1113 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS."

Introduced by: Representatives C. Lee, Ching, Hanohano, Pine, Riviere, Carroll and Rhoads.

1114 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Representatives C. Lee, Carroll, Hanohano, Takai, Brower, Pine and Riviere.

1115 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives C. Lee, Brower, Ching, Hanohano, Johanson, Marumoto, Pine, Riviere, Takai, Carroll, Fontaine and Rhoads.

1116 "A BILL FOR AN ACT RELATING TO VITAL STATISTICS."

Introduced by: Representatives Cabanilla, Chang, Manahan, Mizuno and Say.

1117 "A BILL FOR AN ACT RELATING TO HOME OCCUPATIONS."

Introduced by: Representatives Cabanilla, Awana, Chong, Evans, Manahan, Mizuno, Pine, Takai, Aquino, Chang, Hashem, B. Oshiro, Rhoads, Souki and Ward.

1118 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."

Introduced by: Representatives Cabanilla, Chang, Hashem, Manahan and Mizuno.

1119 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."

Introduced by: Representatives Cabanilla, Chong, Manahan, Souki, Awana and Tsuji.

1120 "A BILL FOR AN ACT RELATING TO THE BEVERAGE CONTAINER SURCHARGE."

Introduced by: Representative Mizuno.

1121 "A BILL FOR AN ACT RELATING TO TERMS OF IMPRISONMENT."

Introduced by: Representatives Mizuno, Awana, Brower, Har, Morikawa, Tokioka, Wooley and Hashem.

1122 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representative Mizuno.

1123 "A BILL FOR AN ACT RELATING TO POWERS OF ATTORNEY."

Introduced by: Representatives Mizuno, Wooley, Awana, Brower, Har, Hashem, Morikawa and Tokioka.

1124 "A BILL FOR AN ACT RELATING TO PRESIDENT BARACK OBAMA DAY."

Introduced by: Representatives Mizuno, Awana, Brower, Morikawa and Tokioka.

1125 "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS."

Introduced by: Representative Hanohano.

1126 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS."

Introduced by: Representative Hanohano.

1127 "A BILL FOR AN ACT RELATING TO OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Hanohano.

1128 "A BILL FOR AN ACT RELATING TO OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Hanohano.

1129 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."

Introduced by: Representative Hanohano.

1130 "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS."

Introduced by: Representative B. Oshiro.

1131 "A BILL FOR AN ACT RELATING TO MEDICINE."

Introduced by: Representative B. Oshiro.

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| <p>1132 "A BILL FOR AN ACT RELATING TO THE MEDICAL CLAIM CONCILIATION PANEL."</p> <p>Introduced by: Representatives B. Oshiro, Herkes and Yamane.</p> <p>1133 "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE."</p> <p>Introduced by: Representatives B. Oshiro and Keith-Agaran.</p> <p>1134 "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1135 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1136 "A BILL FOR AN ACT RELATING TO CONTRACTORS."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1137 "A BILL FOR AN ACT RELATING TO THE ARTS, CULTURE, AND HERITAGE."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1138 "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1139 "A BILL FOR AN ACT RELATING TO DISTRICT COURTS."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1140 "A BILL FOR AN ACT RELATING TO ARBITRATION."</p> <p>Introduced by: Representative B. Oshiro.</p> <p>1141 "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT."</p> <p>Introduced by: Representative Say.</p> <p>1142 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."</p> <p>Introduced by: Representative Say.</p> <p>1143 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."</p> <p>Introduced by: Representative Say.</p> <p>1144 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."</p> <p>Introduced by: Representative Say, by request.</p> <p>1145 "A BILL FOR AN ACT RELATING TO NATUROPATHIC PHYSICIANS."</p> <p>Introduced by: Representative Say, by request.</p> | <p>1146 "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE."</p> <p>Introduced by: Representative Say, by request.</p> <p>1147 "A BILL FOR AN ACT RELATING TO CAPITAL BUSINESS IMPROVEMENTS."</p> <p>Introduced by: Representatives Coffman and McKelvey.</p> <p>1148 "A BILL FOR AN ACT RELATING TO DOG BREEDERS."</p> <p>Introduced by: Representatives Thielen and C. Lee.</p> <p>1149 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."</p> <p>Introduced by: Representative Herkes.</p> <p>1150 "A BILL FOR AN ACT RELATING TO FORECLOSURES."</p> <p>Introduced by: Representative Herkes.</p> <p>1151 "A BILL FOR AN ACT RELATING TO GOVERNMENT."</p> <p>Introduced by: Representative Herkes.</p> <p>1152 "A BILL FOR AN ACT RELATING TO INSURANCE."</p> <p>Introduced by: Representative Herkes.</p> <p>1153 "A BILL FOR AN ACT RELATING TO REGULATION."</p> <p>Introduced by: Representative Herkes.</p> <p>1154 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS."</p> <p>Introduced by: Representatives Hanohano and C. Lee.</p> <p>1155 "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS."</p> <p>Introduced by: Representative Hanohano.</p> <p>1156 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."</p> <p>Introduced by: Representative Hanohano.</p> <p>1157 "A BILL FOR AN ACT RELATING TO BILLFISH."</p> <p>Introduced by: Representatives Hanohano and C. Lee.</p> <p>1158 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."</p> <p>Introduced by: Representative Hanohano.</p> <p>1159 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representative Say.</p> <p>1160 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representative Say.</p> |
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- 1161 "A BILL FOR AN ACT RELATING TO ATTORNEYS."
Introduced by: Representatives Luke, Belatti, Brower, Carroll, Evans, Hanohano, Keith-Agaran, C. Lee, Morikawa, Morita, Takai and Takumi.
- 1162 "A BILL FOR AN ACT RELATING TO CONTRACTORS."
Introduced by: Representative Say, by request.
- 1163 "A BILL FOR AN ACT RELATING TO TIME SHARE TAXATION."
Introduced by: Representative Say, by request.
- 1164 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representative Say, by request.
- 1165 "A BILL FOR AN ACT RELATING TO COMPASSION IN PASSING."
Introduced by: Representative Say, by request.
- 1166 "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
Introduced by: Representative Rhoads.
- 1167 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
Introduced by: Representative Rhoads.
- 1168 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
Introduced by: Representative Rhoads.
- 1169 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
Introduced by: Representatives Fontaine, Marumoto, Ching, Pine, Riviere and Ward.
- 1170 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER."
Introduced by: Representative Fontaine, by request.
- 1171 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER."
Introduced by: Representative Fontaine, by request.
- 1172 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Fontaine, Ching, C. Lee, Marumoto, Riviere, Takai, Thielen, Ward, Hanohano, Pine and Souki.
- 1173 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE ELEVENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Fontaine.
- 1174 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."
Introduced by: Representative Rhoads.

- 1175 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
Introduced by: Representative Rhoads.
- 1176 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TRANSMISSION CABLE."
Introduced by: Representative Morita.
- 1177 "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION."
Introduced by: Representative M. Oshiro.
- 1178 "A BILL FOR AN ACT RELATING TO VEHICLE AUDIO EQUIPMENT."
Introduced by: Representative M. Oshiro.
- 1179 "A BILL FOR AN ACT RELATING TO INVESTMENTS."
Introduced by: Representatives M. Oshiro, Chong and Choy.
- 1180 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Choy.
- 1181 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
Introduced by: Representative Choy, by request.
- 1182 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FOURTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Choy.
- 1183 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."
Introduced by: Representative Choy.
- 1184 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
Introduced by: Representatives Tokioka, Awana, Har, Ito, Manahan, Mizuno, Morita, Say, Tsuji, Chang, Chong, Choy, Cullen, Herkes, Ichiyama, Nishimoto, Rhoads, Yamane and Yamashita.
- 1185 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM."
Introduced by: Representatives Tokioka, Chang, Har and Morita.
- 1186 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FOURTEENTH, FIFTEENTH, AND SIXTEENTH REPRESENTATIVE DISTRICTS."
Introduced by: Representatives Tokioka, Morikawa and Morita.
- 1187 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX."
Introduced by: Representative Say, by request.

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| 1188 | "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Say, by request. | 1202 | "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH EXAMINATION REPORTS."
Introduced by: Representative Yamane. |
| 1189 | "A BILL FOR AN ACT RELATING TO THE JUDICIAL SELECTION COMMISSION."
Introduced by: Representative Say, by request. | 1203 | "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT."
Introduced by: Representative Yamane. |
| 1190 | "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representatives Fontaine, Johanson, Marumoto, Pine, Riviere and Ward. | 1204 | "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representative Rhoads. |
| 1191 | "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTIETH REPRESENTATIVE DISTRICT."
Introduced by: Representative Thielen. | 1205 | "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."
Introduced by: Representative Rhoads. |
| 1192 | "A BILL FOR AN ACT RELATING TO DOG BREEDERS."
Introduced by: Representatives Thielen and C. Lee. | 1206 | "A BILL FOR AN ACT RELATING TO GOVERNMENT."
Introduced by: Representative Rhoads. |
| 1193 | "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
Introduced by: Representative Thielen. | 1207 | "A BILL FOR AN ACT RELATING TO EMPLOYMENT."
Introduced by: Representative Rhoads. |
| 1194 | "A BILL FOR AN ACT RELATING TO TOXIC PRODUCTS."
Introduced by: Representatives Thielen and M. Lee. | 1208 | "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Rhoads. |
| 1195 | "A BILL FOR AN ACT RELATING TO KAKAAKO."
Introduced by: Representatives Brower and McKelvey. | 1209 | "A BILL FOR AN ACT RELATING TO WAIHAOLE AND WAIKANE VALLEYS."
Introduced by: Representative Wooley. |
| 1196 | "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representatives Brower, Takumi and Rhoads. | 1210 | "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representative Wooley. |
| 1197 | "A BILL FOR AN ACT RELATING TO A NON-BINDING REFERENDUM FOR A STATE LOTTERY."
Introduced by: Representatives Brower, Chang and Souki. | 1211 | "A BILL FOR AN ACT RELATING TO PLANNING."
Introduced by: Representative Wooley. |
| 1198 | "A BILL FOR AN ACT RELATING TO OCEAN RECREATION."
Introduced by: Representatives Brower and Evans. | 1212 | "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."
Introduced by: Representative Wooley. |
| 1199 | "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY."
Introduced by: Representative Yamane. | 1213 | "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Wooley, Belatti, Nakashima, Nishimoto and Takumi. |
| 1200 | "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
Introduced by: Representatives Yamane, Aquino, Cullen, Manahan, Yamashita, M. Lee and Tsuji. | 1214 | "A BILL FOR AN ACT RELATING TO REGISTERED NURSES."
Introduced by: Representatives M. Lee, Hanohano, C. Lee, Mizuno and Pine. |
| 1201 | "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH BENEFIT EXCHANGE."
Introduced by: Representatives Yamane, Herkes, and B. Oshiro. | 1215 | "A BILL FOR AN ACT RELATING TO SCHOOL SPORTS CONCUSSIONS."
Introduced by: Representatives M. Lee, Aquino, Awana, Chang, Hanohano, C. Lee, Mizuno, Morikawa, Pine, Takai, Wooley, Nakashima and Takumi. |
| | | 1216 | "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative M. Lee. |

- 1217 "A BILL FOR AN ACT RELATING TO BATH SALTS."
Introduced by: Representatives M. Lee, Aquino, Takai, Chong, Evans and Tsuji.
- 1218 "A BILL FOR AN ACT RELATING TO VETERANS DISABILITY BENEFITS."
Introduced by: Representatives Takai, Aquino and Morita.
- 1219 "A BILL FOR AN ACT RELATING TO CIVIL RELIEF FOR MILITARY RESERVE COMPONENT PERSONNEL."
Introduced by: Representatives Takai, Aquino and Morita.
- 1220 "A BILL FOR AN ACT RELATING TO INFORMATION PRIVACY."
Introduced by: Representatives Takai, Aquino, Brower, Chang, Johanson, C. Lee, McKelvey, Mizuno, Nishimoto, B. Oshiro, Pine, Souki, Tokioka, Belatti, Chong, Cullen, Herkes, Keith-Agaran, M. Lee, Morita and Rhoads.
- 1221 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
Introduced by: Representatives Takai, Riviere, Chang, Keith-Agaran, McKelvey, Mizuno, Morita, B. Oshiro and Souki.
- 1222 "A BILL FOR AN ACT RELATING TO SKY LANTERNS."
Introduced by: Representatives Takai, Belatti, Ching, Chong, M. Lee, McKelvey, Mizuno, Morita, B. Oshiro, Pine, Keith-Agaran, Rhoads, Souki and Ward.
- 1223 "A BILL FOR AN ACT RELATING TO THE KAHŌ'OLAWĒ ISLAND RESERVE."
Introduced by: Representatives Carroll, Belatti, Evans, Hanohano, C. Lee, McKelvey, Morikawa and Wooley.
- 1224 "A BILL FOR AN ACT RELATING TO THE KAHŌOLAWĒ ISLAND RESERVE."
Introduced by: Representatives Carroll, Evans, Hanohano, C. Lee, McKelvey, Morikawa and Belatti.
- 1225 "A BILL FOR AN ACT RELATING TO BINGO."
Introduced by: Representatives Carroll, Hanohano, McKelvey, Evans and Morikawa.
- 1226 "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION AND WATER UTILIZATION PROJECT."
Introduced by: Representatives Carroll, Hanohano and Evans.
- 1227 "A BILL FOR AN ACT RELATING TO GAMING."
Introduced by: Representatives Carroll, Hanohano and McKelvey.
- 1228 "A BILL FOR AN ACT RELATING TO WATER."
Introduced by: Representatives Tsuji, Awana, Brower, Chong, Evans, Hashem, Ito, Yamashita and C. Lee.

- 1229 "A BILL FOR AN ACT RELATING TO ELECTRICITY RATES."
Introduced by: Representatives Tsuji, Awana, Brower, Evans, Hashem, Ito, C. Lee, Yamane, Yamashita and Chong.
- 1230 "A BILL FOR AN ACT RELATING TO BUILDING PERMITS."
Introduced by: Representatives Tsuji, Awana, Brower, Chong, Evans, Hashem, Ito, Yamane and Yamashita.
- 1231 "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATION."
Introduced by: Representatives Tsuji, Awana, Brower, Evans, Hashem, Ito, Yamane, Yamashita, Chong and C. Lee.
- 1232 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE."
Introduced by: Representatives Tsuji, Awana, Brower, Chong, Evans, Hashem, Ito, Yamashita and C. Lee.
- 1233 "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representative Keith-Agaran.
- 1234 "A BILL FOR AN ACT RELATING TO ELECTIONS."
Introduced by: Representative Keith-Agaran.
- 1235 "A BILL FOR AN ACT RELATING TO JUDICIARY."
Introduced by: Representative Keith-Agaran.
- 1236 "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representative Keith-Agaran.
- 1237 "A BILL FOR AN ACT RELATING TO THE STATE BOARD ON GEOGRAPHIC NAMES."
Introduced by: Representatives Keith-Agaran and Nakashima.
- 1238 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
Introduced by: Representatives Souki and McKelvey.
- 1239 "A BILL FOR AN ACT RELATING TO FERRIES."
Introduced by: Representatives Souki, Chang, Har, Ichiyama, Ito, McKelvey, Yamashita and Keith-Agaran.
- 1240 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL."
Introduced by: Representatives Souki and Ichiyama.
- 1241 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."
Introduced by: Representatives Souki and Ichiyama.
- 1242 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."
Introduced by: Representative Souki, by request.

1243 "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS."

Introduced by: Representative Souki.

1244 "A BILL FOR AN ACT RELATING TO SOLEMNIZATION."

Introduced by: Representative Souki, by request.

1245 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Representative Nakashima.

1246 "A BILL FOR AN ACT RELATING TO ZIP LINES."

Introduced by: Representatives Nakashima, Chang, Evans, Hanohano, Herkes and Tsuji.

1247 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representative Nakashima.

1248 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS."

Introduced by: Representative Nakashima.

1249 "A BILL FOR AN ACT RELATING TO HOMELESSNESS."

Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.

1250 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.

1251 "A BILL FOR AN ACT RELATING TO THE BUSINESS DEVELOPMENT FUND."

Introduced by: Representatives Saiki, Nishimoto, Belatti, Brower and Rhoads.

1252 "A BILL FOR AN ACT RELATING TO GOVERNMENT FACILITIES."

Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.

1253 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Representatives Saiki, Belatti, Nishimoto, Brower and Rhoads.

1254 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE COUNTIES FOR DROUGHT MITIGATION PROJECTS AND MEASURES."

Introduced by: Representatives Chang, by request, Hanohano, Har, Ito, Nakashima, Evans and Souki.

1255 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Chang, Awana, Evans, Har, Ichiyama, Ito, Morita, Nakashima, Souki, Thielen and Tsuji.

1256 "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES."

Introduced by: Representatives Chang, Evans, Har, Ito, Nakashima and Tsuji.

1257 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Representatives Chang, Awana, Evans, Hanohano, Har, Ichiyama, Ito, Nakashima, Souki and Tsuji.

1258 "A BILL FOR AN ACT RELATING TO THE BANYAN DRIVE COMMUNITY DEVELOPMENT DISTRICT."

Introduced by: Representatives Chang, Awana, Evans, Har, Ichiyama, Ito, Morita, Nakashima, Souki and Tsuji.

1259 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE NINETEENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Marumoto.

1260 "A BILL FOR AN ACT RELATING TO CAMPAIGN SIGNS."

Introduced by: Representative Marumoto.

1261 "A BILL FOR AN ACT RELATING TO TOXIC PRODUCTS."

Introduced by: Representatives Mizuno, Fontaine, Har, Manahan, McKelvey, Thielen and Tokioka.

1262 "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES."

Introduced by: Representatives Mizuno, Awana, Har, Manahan and Tokioka.

1263 "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD."

Introduced by: Representatives Mizuno, Awana, Johanson, Manahan, Thielen, Yamane, McKelvey and Tokioka.

1264 "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING."

Introduced by: Representatives Mizuno, Awana and Jordan.

1265 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Mizuno.

1266 "A BILL FOR AN ACT RELATING TO FERRIES."

Introduced by: Representatives Chong, Awana, Hashem, Herkes, Ito, Mizuno, Nakashima, Nishimoto, B. Oshiro, Tsuji, Yamashita, M. Lee, Rhoads and Souki.

1267 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Representatives Chong, Chang, Herkes, McKelvey, B. Oshiro, Say, Tsuji, Yamashita, Choy and Souki.

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| <p>1268 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."</p> <p>Introduced by: Representatives Chong, Awana, Herkes, M. Lee, Mizuno, B. Oshiro, Tsuji, Yamane and Yamashita.</p> <p>1269 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."</p> <p>Introduced by: Representatives Chong, Chang, Har and Ito.</p> <p>1270 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representatives Chong and Yamashita.</p> <p>1271 "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX."</p> <p>Introduced by: Representative Chong.</p> <p>1272 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."</p> <p>Introduced by: Representative Chong.</p> <p>1273 "A BILL FOR AN ACT RELATING TO APPROPRIATIONS."</p> <p>Introduced by: Representatives Hashem, Awana, C. Lee, Marumoto, McKelvey, Tsuji, Cullen and Evans.</p> <p>1274 "A BILL FOR AN ACT RELATING TO AGRICULTURE."</p> <p>Introduced by: Representatives Hashem, Awana, C. Lee, Marumoto, McKelvey, Tsuji, Cullen and Evans.</p> <p>1275 "A BILL FOR AN ACT RELATING TO AGRICULTURE."</p> <p>Introduced by: Representatives Hashem, Awana, C. Lee, Marumoto, McKelvey, Tsuji, Cullen and Evans.</p> <p>1276 "A BILL FOR AN ACT RELATING TO LIVESTOCK."</p> <p>Introduced by: Representatives Hashem, Awana, Evans, Marumoto, McKelvey, Tsuji, Cullen and C. Lee.</p> <p>1277 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATEWIDE AGRICULTURE WATER DEVELOPMENT STUDY."</p> <p>Introduced by: Representatives Hashem, Awana, Marumoto, McKelvey, Tsuji, Cullen, Evans and C. Lee.</p> <p>1278 "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT."</p> <p>Introduced by: Representatives Manahan, Cullen, Har, Keith-Agaran and Yamane.</p> <p>1279 "A BILL FOR AN ACT RELATING TO EDUCATION."</p> <p>Introduced by: Representative Manahan, by request.</p> <p>1280 "A BILL FOR AN ACT RELATING TO FOOD SAFETY."</p> <p>Introduced by: Representatives Manahan and Tsuji.</p> | <p>1281 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY ENTERPRISE ZONES."</p> <p>Introduced by: Representatives Manahan, Har and McKelvey.</p> <p>1282 "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSES."</p> <p>Introduced by: Representative Evans.</p> <p>1283 "A BILL FOR AN ACT RELATING TO TAXES."</p> <p>Introduced by: Representatives Evans and McKelvey.</p> <p>1284 "A BILL FOR AN ACT RELATING TO HEALTH CARE."</p> <p>Introduced by: Representative Evans.</p> <p>1285 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."</p> <p>Introduced by: Representatives Evans and McKelvey.</p> <p>1286 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC."</p> <p>Introduced by: Representative Evans.</p> <p>1287 "A BILL FOR AN ACT RELATING TO EDUCATION."</p> <p>Introduced by: Representatives Aquino, Cabanilla, Manahan, Pine, Chong, Choy, Cullen, M. Lee, Nakashima, B. Oshiro, Rhoads and Yamashita.</p> <p>1288 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-FIFTH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Aquino.</p> <p>1289 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."</p> <p>Introduced by: Representative Aquino.</p> <p>1290 "A BILL FOR AN ACT RELATING TO VETERANS AFFAIRS."</p> <p>Introduced by: Representative Aquino.</p> <p>1291 "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS."</p> <p>Introduced by: Representative Aquino.</p> <p>1292 "A BILL FOR AN ACT RELATING TO PROCUREMENT."</p> <p>Introduced by: Representative McKelvey.</p> <p>1293 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."</p> <p>Introduced by: Representative McKelvey.</p> <p>1294 "A BILL FOR AN ACT RELATING TO TAX CREDITS."</p> <p>Introduced by: Representative McKelvey.</p> |
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1295	"A BILL FOR AN ACT RELATING TO BUSINESS."	1308	"A BILL FOR AN ACT RELATING TO DIGITAL MEDIA."
	Introduced by: Representative McKelvey.		Introduced by: Representatives Har, Aquino, Awana, Chang, Cullen, Hashem, Ichiyama, Ito, Manahan, McKelvey, Mizuno, B. Oshiro, Tokioka, Tsuji, Yamane, Chong and Yamashita.
1296	"A BILL FOR AN ACT RELATING TO ECONOMY."		
	Introduced by: Representative McKelvey.		
1297	"A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES."	1309	"A BILL FOR AN ACT RELATING TO DIGITAL MEDIA."
	Introduced by: Representatives McKelvey and Morita.		Introduced by: Representatives Har, Aquino, Awana, Chang, Cullen, Hashem, Ichiyama, Ito, Manahan, McKelvey, Mizuno, B. Oshiro, Tokioka, Tsuji, Yamane, Chong and Yamashita.
1298	"A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TENTH REPRESENTATIVE DISTRICT."	1310	"A BILL FOR AN ACT RELATING TO SCHOOLS."
	Introduced by: Representative McKelvey.		Introduced by: Representatives Har, Aquino, Awana, Cullen and McKelvey.
1299	"A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."	1311	"A BILL FOR AN ACT RELATING TO FUNDS."
	Introduced by: Representative McKelvey.		Introduced by: Representatives Har, Choy, McKelvey, Mizuno, Awana, Chong, Ito, Rhoads, Tokioka and Yamashita.
1300	"A BILL FOR AN ACT RELATING TO TAXATION."	1312	"A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."
	Introduced by: Representative McKelvey.		Introduced by: Representatives Ito, Awana, Har, Ichiyama, Yamashita and Cabanilla.
1301	"A BILL FOR AN ACT RELATING TO GAMBLING."		
	Introduced by: Representatives McKelvey and Souki.		
1302	"A BILL FOR AN ACT RELATING TO HOMELESSNESS."	1313	"A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY."
	Introduced by: Representatives Cabanilla, Brower, Hanohano, Ito, M. Lee, Mizuno, Evans, Souki and Tsuji.		Introduced by: Representative Ito.
1303	"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."	1314	"A BILL FOR AN ACT RELATING TO FAMILY COURT."
	Introduced by: Representatives Cabanilla, Brower, Chang, Chong, Evans, Hanohano, Ito, Johanson, C. Lee, Manahan, McKelvey, Mizuno, Pine, Souki, Takai, Tsuji, Yamashita, Herkes and M. Lee.		Introduced by: Representative Say, by request.
1304	"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."	1315	"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."
	Introduced by: Representatives Cabanilla, Chang, Hanohano, Herkes, Ito, Johanson, C. Lee, McKelvey, Mizuno, Pine, Souki, Takai, Tsuji, Yamashita, Brower, Evans and M. Lee.		Introduced by: Representative Say, by request.
1305	"A BILL FOR AN ACT RELATING TO CHECK CASHING."	1316	"A BILL FOR AN ACT RELATING TO LABOR AND INDUSTRIAL RELATIONS."
	Introduced by: Representatives Cabanilla, Hanohano, Ito, M. Lee, Rhoads, Souki, Takai and Evans.		Introduced by: Representative Say, by request.
1306	"A BILL FOR AN ACT RELATING TO HOUSING."	1317	"A BILL FOR AN ACT RELATING TO LABOR AND INDUSTRIAL RELATIONS."
	Introduced by: Representatives Cabanilla, Fontaine, Marumoto, Morita and Riviere.		Introduced by: Representative Say, by request.
1307	"A BILL FOR AN ACT RELATING TO TAXATION."	1318	"A BILL FOR AN ACT RELATING TO TOBACCO SMOKE."
	Introduced by: Representatives Har, Aquino, Awana, Chang, Cullen, Hashem, Ichiyama, Ito, Manahan, McKelvey, Mizuno, B. Oshiro, Tokioka, Tsuji, Yamane, Yamashita, Chong and Rhoads.		Introduced by: Representative Say, by request.
		1319	"A BILL FOR AN ACT RELATING TO THE PROGRESSIVE TAX REFORM TASK FORCE."
			Introduced by: Representative Say, by request.
		1320	"A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS."
			Introduced by: Representative Say, by request.

1321 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."

Introduced by: Representatives Choy and Nakashima.

1322 "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1323 "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION."

Introduced by: Representative Nishimoto.

1324 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1325 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1326 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1327 "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1328 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1329 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Nishimoto.

1330 "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND."

Introduced by: Representative Nishimoto.

1331 "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT."

Introduced by: Representative Nishimoto.

1332 "A BILL FOR AN ACT RELATING TO WATER WASTE."

Introduced by: Representative Belatti, by request.

1333 "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT."

Introduced by: Representatives Belatti, Aquino, Brower, Cabanilla, Ching, Choy, Coffman, Cullen, Fontaine, Hanohano, Hashem, Herkes, Ichiyama, Johanson, Keith-Agaran, C. Lee, McKelvey, Mizuno, Morikawa, Morita, Nakashima, B. Oshiro, Pine, Saiki, Souki, Takai, Takumi, Wooley, Yamashita, Carroll and Ito.

1334 "A BILL FOR AN ACT RELATING TO FERAL ANIMALS."

Introduced by: Representative Evans.

1335 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Evans.

1336 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.

1337 "A BILL FOR AN ACT RELATING TO INFORMATION PRIVACY."

Introduced by: Representative Nishimoto.

1338 "A BILL FOR AN ACT RELATED TO THE ECONOMY."

Introduced by: Representative Nishimoto.

1339 "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS."

Introduced by: Representative Yamashita.

1340 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES."

Introduced by: Representatives Yamashita, Chong, Hashem, Herkes, McKelvey, Tsuji and Yamane.

1341 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR THE BENEFIT OF THE TWELFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Yamashita.

1342 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Representatives Yamashita, Aquino, Awana, Chang, Chong, Coffman, Cullen, Evans, Har, Hashem, Herkes, Ichiyama, Ito, Keith-Agaran, M. Lee, Manahan, McKelvey, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Say, Tokioka, Tsuji, Yamane, Cabanilla, Carroll, Choy, Rhoads and Souki.

1343 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-SECOND REPRESENTATIVE DISTRICT."

Introduced by: Representative Johanson.

1344 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives C. Lee, Aquino, Carroll, Hanohano and Morita.

1345 "A BILL FOR AN ACT RELATING TO SANITATION."

Introduced by: Representative C. Lee.

1346 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY."

Introduced by: Representatives C. Lee, Aquino, Belatti, Carroll, Hanohano, Keith-Agaran and Morita.

1347 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives C. Lee, Belatti, Brower, Hanohano, Keith-Agaran, Marumoto, Nakashima, Nishimoto, Rhoads, Wooley, Aquino, Johanson and Pine.

1348 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives C. Lee, Brower, Hanohano, Johanson, Marumoto, Nakashima, Nishimoto, Pine, Takai, Aquino, Belatti, Carroll, Fontaine, Keith-Agaran, Rhoads, Riviere and Takumi.

1349 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representatives Pine and Cabanilla.

1350 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO AUTHORIZE SPECIAL PURPOSE REVENUE BONDS TO ASSIST REAL ESTATE DEVELOPERS TO PROVIDE INFRASTRUCTURE."

Introduced by: Representatives Pine, Ching, Fontaine, C. Lee, Marumoto, Takai, Awana, Hanohano, M. Lee and Rhoads.

1351 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Representatives Pine, Ching, C. Lee, Marumoto, Riviere, Takai, Awana, Chang, Fontaine, Souki and Ward.

1352 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Pine, Marumoto, Riviere, Awana, Fontaine, Souki and Ward.

1353 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Representatives Pine, Marumoto, Chang, Ching and Souki.

1354 "A BILL FOR AN ACT RELATING TO RECIPROCAL BENEFICIARIES."

Introduced by: Representatives Awana, Evans, Hanohano, Pine, Tokioka, Chong, Choy, Har, Hashem, Ichiyama, Ito, Souki, Tsuji, Ward and Yamashita.

1355 "A BILL FOR AN ACT RELATING TO PERMITS."

Introduced by: Representatives Awana, by request, and Choy.

1356 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."

Introduced by: Representative Awana.

1357 "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE."

Introduced by: Representative Awana, by request.

1358 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FOURTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Awana.

1359 "A BILL FOR AN ACT RELATING TO VOTING."

Introduced by: Representatives Ward, Fontaine, Marumoto and Pine.

1360 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HARBOR MASTER AT MAUNALUA BAY."

Introduced by: Representatives Ward, Hashem and Marumoto.

1361 "A BILL FOR AN ACT RELATING TO AN ASIA-PACIFIC ECONOMIC COOPERATION NATION PROGRAM."

Introduced by: Representatives Ward, Awana, Chang, Fontaine, Marumoto, McKelvey, Pine, Takai, Choy, Evans and Yamashita.

1362 "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE."

Introduced by: Representative Ward.

1363 "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT."

Introduced by: Representative Ward.

1364 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Representatives Morita, Belatti, Coffman, Morikawa, Thielen, Brower and McKelvey.

1365 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Representatives Morita, Coffman, Morikawa and McKelvey.

1366 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representatives Morita, Cabanilla, Coffman, Riviere, Thielen, Chong, Har and Nakashima.

1367 "A BILL FOR AN ACT RELATING TO CIVIL PARTICIPATION IN GOVERNMENT."

Introduced by: Representatives Morita, Belatti, Coffman, C. Lee, M. Lee, Morikawa, B. Oshiro, Takai and Keith-Agaran.

1368 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Morita.

1369 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION, TO BOTH REQUIRE THE LEGISLATURE TO ENACT LAWS TO AUTHORIZE THE COUNTIES TO ISSUE TAX INCREMENT BONDS AND TO EXCLUDE THE BONDS FROM DETERMINATIONS OF THE FUNDED DEBT OF THE COUNTIES."

Introduced by: Representative Coffman.

- 1370 "A BILL FOR AN ACT RELATING TO SMOKING."
Introduced by: Representative Coffman.
- 1371 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Coffman.
- 1372 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."
Introduced by: Representatives Coffman and Evans.
- 1373 "A BILL FOR AN ACT RELATING TO FUEL TAXATION."
Introduced by: Representative Say.
- 1374 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."
Introduced by: Representative Say.
- 1375 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."
Introduced by: Representative Say.
- 1376 "A BILL FOR AN ACT RELATING TO EVIDENCE."
Introduced by: Representative B. Oshiro.
- 1377 "A BILL FOR AN ACT RELATING TO CONSUMER CONTRACTS."
Introduced by: Representatives B. Oshiro, Herkes and Keith-Agaran.
- 1378 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND."
Introduced by: Representatives B. Oshiro, Belatti, M. Oshiro and Wooley.
- 1379 "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."
Introduced by: Representative B. Oshiro.
- 1380 "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE."
Introduced by: Representatives B. Oshiro, Belatti and Tsuji.
- 1381 "A BILL FOR AN ACT RELATING TO A SURCHARGE FOR INDIGENT SERVICES."
Introduced by: Representatives B. Oshiro, Belatti, and M. Oshiro.
- 1382 "A BILL FOR AN ACT RELATING TO HEALTH CARE ADMINISTRATIVE UNIFORMITY."
Introduced by: Representatives B. Oshiro, Ito, Yamane, Herkes and Keith-Agaran.

- 1383 "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY."

Introduced by: Representatives B. Oshiro, Chong, Hanohano, Ichiyama, Jordan, C. Lee, Marumoto, Morita, Rhoads, Say, Takumi and Thielen.

- 1384 "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS."

Introduced by: Representative B. Oshiro.

[Note: The following bills were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H. B. Nos.

- 1385 "A BILL FOR AN ACT RELATING TO COASTLINE PRESERVATION."

Introduced by: Representative Coffman.

- 1386 "A BILL FOR AN ACT RELATING TO FUEL TAXES."

Introduced by: Representative Coffman.

- 1387 "A BILL FOR AN ACT RELATING TO PESTICIDES."

Introduced by: Representatives Morita, Morikawa and Thielen.

- 1388 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Jordan.

- 1389 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representative Jordan.

- 1390 "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES."

Introduced by: Representative Jordan.

- 1391 "A BILL FOR AN ACT RELATING TO MINIMUM HOURLY WAGE."

Introduced by: Representative Jordan.

- 1392 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

Introduced by: Representative Jordan.

- 1393 "A BILL FOR AN ACT RELATING TO HOMELESS ASSISTANCE."

Introduced by: Representative Jordan.

- 1394 "A BILL FOR AN ACT RELATING TO MAKUA VALLEY."

Introduced by: Representative Jordan.

- 1395 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."

Introduced by: Representative Jordan.

1396 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Jordan.

1397 "A BILL FOR AN ACT RELATING TO SUSTAINABILITY."

Introduced by: Representative Jordan.

1398 "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY."

Introduced by: Representative Jordan.

1399 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS."

Introduced by: Representative Jordan.

1400 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Representative Jordan.

1401 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION."

Introduced by: Representative Jordan.

1402 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Representative Jordan.

1403 "A BILL FOR AN ACT RELATING TO PLANNING."

Introduced by: Representative Jordan.

1404 "A BILL FOR AN ACT RELATING TO PLANNING."

Introduced by: Representative Jordan.

1405 "A BILL FOR AN ACT RELATING TO PLANNING."

Introduced by: Representative Jordan.

1406 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING."

Introduced by: Representative Jordan.

1407 "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS."

Introduced by: Representative Jordan, by request.

1408 "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX."

Introduced by: Representative Say.

1409 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Representative Say.

1410 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."

Introduced by: Representatives Say, Aquino, Awana, Cabanilla, Choy, Evans, Har, McKelvey, Mizuno, Nakashima, B. Oshiro, M. Oshiro and Tokioka.

1411 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."

Introduced by: Representatives Say, Aquino, Awana, Brower, Cabanilla, Carroll, Choy, Coffman, Evans, Har, Hashem, Keith-Agaran, Manahan, McKelvey, Mizuno, Nakashima, B. Oshiro, M. Oshiro, Tokioka, Yamashita and Rhoads.

1412 "A BILL FOR AN ACT RELATING TO ACCRETED LANDS."

Introduced by: Representative Say, by request.

1413 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1414 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1415 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1416 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1417 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1418 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1419 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1420 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1421 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1422 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

1423 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."

Introduced by: Representative Say, by request.

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| <p>1424 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1425 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1426 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1427 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1428 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1429 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1430 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS."</p> <p>Introduced by: Representative Say, by request.</p> <p>1431 "A BILL FOR AN ACT RELATING TO COVENANTS."</p> <p>Introduced by: Representatives Marumoto, Chang, Har and Hashem.</p> <p>1432 "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE."</p> <p>Introduced by: Representative Rhoads.</p> <p>1433 "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS."</p> <p>Introduced by: Representative Rhoads.</p> <p>1434 "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS."</p> <p>Introduced by: Representative Rhoads.</p> <p>1435 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."</p> <p>Introduced by: Representatives Har, Aquino, Awana, Cabanilla, Chang, Chong, Choy, Cullen, Hashem, Ichiyama, Ito, Keith-Agaran, M. Lee, Manahan, McKelvey, Mizuno, B. Oshiro, Souki, Tokioka, Tsuji, Yamane, Yamashita and Rhoads.</p> <p>1436 "A BILL FOR AN ACT RELATING TO HARBORS."</p> <p>Introduced by: Representatives Coffman, Chang, Evans and Herkes.</p> | <p>1437 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS."</p> <p>Introduced by: Representative Morikawa, by request.</p> <p>1438 "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS."</p> <p>Introduced by: Representatives Evans and Carroll.</p> <p>1439 "A BILL FOR AN ACT RELATING TO ELECTIONS."</p> <p>Introduced by: Representative Evans.</p> <p>1440 "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS."</p> <p>Introduced by: Representative Evans.</p> <p>1441 "A BILL FOR AN ACT RELATING TO SMOKING."</p> <p>Introduced by: Representatives Evans, Brower, Hanohano, Pine, Aquino, Awana, Cabanilla, Carroll, Chang, Coffman, Har, Manahan, McKelvey, Morikawa, Souki and Ward.</p> <p>1442 "A BILL FOR AN ACT RELATING TO FISHING."</p> <p>Introduced by: Representative Evans.</p> <p>1443 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."</p> <p>Introduced by: Representative Yamane.</p> <p>1444 "A BILL FOR AN ACT RELATING TO THE HAWAII MEDICAL CENTER."</p> <p>Introduced by: Representative Yamane.</p> <p>1445 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-SEVENTH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representatives Yamane and M. Lee.</p> <p>1446 "A BILL FOR AN ACT RELATING TO REGISTERED NURSE STAFFING LEVELS."</p> <p>Introduced by: Representative Yamane.</p> <p>1447 "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT."</p> <p>Introduced by: Representative Choy.</p> <p>1448 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."</p> <p>Introduced by: Representative Choy, by request.</p> <p>1449 "A BILL FOR AN ACT RELATING TO HOMELESSNESS."</p> <p>Introduced by: Representatives Saiki, Belatti, Brower, Nishimoto and Rhoads.</p> <p>1450 "A BILL FOR AN ACT RELATING TO THE HOMELESS."</p> <p>Introduced by: Representatives Saiki, Brower, Nishimoto and Rhoads.</p> |
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1451 "A BILL FOR AN ACT RELATING TO HEALTH CARE PRIVACY."

Introduced by: Representative Saiki.

1452 "A BILL FOR AN ACT RELATING TO SERVICES FOR SURVIVORS OF HUMAN TRAFFICKING."

Introduced by: Representative Saiki.

1453 "A BILL FOR AN ACT RELATING TO LEGAL RELATIONSHIPS."

Introduced by: Representatives Saiki, C. Lee and Morita.

1454 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."

Introduced by: Representatives Chong, Har, B. Oshiro and Tokioka.

1455 "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS."

Introduced by: Representatives Chong, Har, B. Oshiro and Tokioka.

1456 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."

Introduced by: Representative Chong.

1457 "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION."

Introduced by: Representative Chong.

1458 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION."

Introduced by: Representatives Cullen and Aquino.

1459 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."

Introduced by: Representatives Cullen and Aquino.

1460 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative Cullen.

1461 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."

Introduced by: Representative Cullen, by request.

1462 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII CONSTITUTION TO ESTABLISH LEGISLATIVE TERM LIMITS."

Introduced by: Representatives Riviere, Johanson, C. Lee, Marumoto, Pine, Brower, Carroll, Hashem, Souki and Ward.

1463 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-SIXTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Riviere.

1464 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Pine, Brower, Ching and Fontaine.

1465 "A BILL FOR AN ACT RELATING TO POWERS OF ATTORNEY."

Introduced by: Representatives Pine, Brower, Fontaine, Johanson, Marumoto and Ward.

1466 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Pine, Brower, Ching, Fontaine, Johanson, Marumoto, Ward and Belatti.

1467 "A BILL FOR AN ACT RELATING TO COUNTY BUDGETS."

Introduced by: Representatives Pine, Brower, Ching, Fontaine, Johanson and Ward.

1468 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Pine, Cabanilla, Ching, Fontaine, Marumoto, Ward, Brower and Johanson.

1469 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Choy.

1470 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Choy.

1471 "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE."

Introduced by: Representative Rhoads.

1472 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-EIGHTH REPRESENTATIVE DISTRICT."

Introduced by: Representatives M. Lee and Yamane.

1473 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Representatives M. Lee, B. Oshiro, Riviere, Thielen and Wooley.

1474 "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL."

Introduced by: Representative M. Lee.

1475 "A BILL FOR AN ACT RELATING TO FARM TO SCHOOL MONTH."

Introduced by: Representatives Riviere, Belatti, Carroll, Ching, Evans, Fontaine, Hanohano, Johanson, C. Lee, M. Lee, Manahan, Marumoto, Morikawa, Nishimoto, B. Oshiro, M. Oshiro, Pine, Thielen, Ward, Aquino, Brower, Chong, Choy, Coffman, Cullen, Hashem, Herkes, Ichiyama, Jordan, McKelvey, Mizuno, Say, Souki, Tsuji and Yamashita.

1476 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representatives Mizuno, Awana, Brower, Pine and Jordan.

1477 "A BILL FOR AN ACT RELATING TO FAMILY JUSTICE CENTERS."

Introduced by: Representatives Mizuno and Jordan.

1478 "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS."

Introduced by: Representatives Mizuno and Pine.

1479 "A BILL FOR AN ACT RELATING TO QUALIFIED DOMESTIC RELATIONS ORDERS."

Introduced by: Representatives Mizuno and Jordan.

1480 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."

Introduced by: Representatives Mizuno, Aquino, Cullen and Manahan.

1481 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Say.

1482 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Say.

1483 "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM."

Introduced by: Representatives Carroll, Hanohano, Manahan, Evans and M. Lee.

1484 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."

Introduced by: Representatives Carroll, Evans and Hanohano.

1485 "A BILL FOR AN ACT RELATING TO E-VERIFY."

Introduced by: Representatives Carroll, Evans, Hanohano and Manahan.

1486 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Representatives Carroll, Evans, Hanohano, Manahan, Wooley and M. Lee.

1487 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Carroll, Evans, Hanohano, Manahan, Wooley and M. Lee.

1488 "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY."

Introduced by: Representatives Carroll, Evans, Hanohano, Manahan and M. Lee.

1489 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS."

Introduced by: Representatives Carroll, Evans, Hanohano, Manahan and M. Lee.

1490 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Representatives Carroll, Evans, Hanohano and M. Lee.

1491 "A BILL FOR AN ACT RELATING TO TAX CREDIT FOR AFTER-SCHOOL PROGRAMS."

Introduced by: Representative Ichiyama.

1492 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative Ichiyama.

1493 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representatives Ichiyama, Aquino, Cullen, M. Lee, Manahan, Souki, Yamashita, Fontaine and Johanson.

1494 "A BILL FOR AN ACT RELATING TO SMOKING IN CONDOMINIUMS."

Introduced by: Representatives Ichiyama, Rhoads, Belatti and Brower.

1495 "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS."

Introduced by: Representative Ichiyama.

1496 "A BILL FOR AN ACT RELATING TO AGRIBUSINESS."

Introduced by: Representative Belatti.

1497 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representative Carroll.

1498 "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS."

Introduced by: Representatives Takai, Belatti, Brower, C. Lee, M. Lee, Manahan and Wooley.

1499 "A BILL FOR AN ACT RELATING TO CREATIVE INDUSTRIES."

Introduced by: Representatives Takai, Belatti, Brower, C. Lee, Manahan, Morikawa, Nishimoto and Wooley.

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| <p>1500 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."</p> <p>Introduced by: Representative Takai.</p> <p>1501 "A BILL FOR AN ACT RELATING TO DISABLED VETERANS."</p> <p>Introduced by: Representatives Takai, Cullen and Aquino.</p> <p>1502 "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS."</p> <p>Introduced by: Representatives Takai, Aquino, Brower, Cabanilla, M. Lee, McKelvey and Yamane.</p> <p>1503 "A BILL FOR AN ACT RELATING TO LAND USE."</p> <p>Introduced by: Representatives Har and Ito.</p> <p>1504 "A BILL FOR AN ACT RELATING TO PERMITS."</p> <p>Introduced by: Representatives Har, Aquino, Awana, Manahan, Mizuno, Tokioka and Yamashita.</p> <p>1505 "A BILL FOR AN ACT RELATING TO STATE FACILITIES."</p> <p>Introduced by: Representatives Har and Ito.</p> <p>1506 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTIETH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Har.</p> <p>1507 "A BILL FOR AN ACT RELATING TO THE INSURANCE PREMIUM TAX."</p> <p>Introduced by: Representative McKelvey.</p> <p>1508 "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING."</p> <p>Introduced by: Representative McKelvey.</p> <p>1509 "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS."</p> <p>Introduced by: Representatives McKelvey, Chang, Choy, Keith-Agaran and Nakashima.</p> <p>1510 "A BILL FOR AN ACT RELATING TO RUMBLE STRIPS."</p> <p>Introduced by: Representatives McKelvey and Souki.</p> <p>1511 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."</p> <p>Introduced by: Representatives McKelvey and Say.</p> <p>1512 "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY."</p> <p>Introduced by: Representatives Aquino and Cullen.</p> | <p>1513 "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY."</p> <p>Introduced by: Representatives Aquino, Cullen, Manahan, Pine, Yamane and Rhoads.</p> <p>1514 "A BILL FOR AN ACT RELATING TO PUBLIC DISCLOSURE."</p> <p>Introduced by: Representatives Aquino and Rhoads.</p> <p>1515 "A BILL FOR AN ACT RELATING TO PRE-SENTENCING PROCEDURES."</p> <p>Introduced by: Representatives Aquino, Cullen, M. Lee, Souki, Takai and Yamashita.</p> <p>1516 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."</p> <p>Introduced by: Representatives Aquino, Cabanilla, Hanohano, M. Lee, Nakashima, Pine, Yamane, Cullen and Souki.</p> <p>1517 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."</p> <p>Introduced by: Representatives Morita, Cabanilla, Carroll, Chang, Coffman, Har, Herkes, Nakashima, Riviere, Thielen and Chong.</p> <p>1518 "A BILL FOR AN ACT RELATING TO ENERGY."</p> <p>Introduced by: Representatives Morita, Cabanilla, Carroll, Chang, Coffman, Har, Herkes, Nakashima, Riviere, Thielen and Chong.</p> <p>1519 "A BILL FOR AN ACT RELATING TO ENERGY."</p> <p>Introduced by: Representative Morita.</p> <p>1520 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."</p> <p>Introduced by: Representative Morita.</p> <p>1521 "A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING."</p> <p>Introduced by: Representative Morita.</p> <p>1522 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTEENTH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Hashem.</p> <p>1523 "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY."</p> <p>Introduced by: Representatives Hashem, Marumoto, Ward, Chong, Ichiyama and Nishimoto.</p> <p>1524 "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT."</p> <p>Introduced by: Representatives Hashem, Awana, Choy, McKelvey and Tsuji.</p> |
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1525 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-EIGHTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Ito.

1526 "A BILL FOR AN ACT RELATING TO NOISE POLLUTION."

Introduced by: Representatives Ito and Har.

1527 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Representatives Ito, Manahan and Yamane.

1528 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIRST REPRESENTATIVE DISTRICT."

Introduced by: Representative Nakashima.

1529 "A BILL FOR AN ACT RELATING TO PLANNING."

Introduced by: Representatives Nakashima, Chang, Choy, Har, Keith-Agaran, McKelvey, and M. Oshiro.

1530 "A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS."

Introduced by: Representatives Nakashima, Coffman, Evans, Hanohano, Herkes and Tsuji.

1531 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Representatives Souki, Awana, Ichiyama, M. Lee, McKelvey, Yamashita, Chong, Keith-Agaran, and B. Oshiro.

1532 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS."

Introduced by: Representatives Souki, Yamashita, Carroll and McKelvey.

1533 "A BILL FOR AN ACT RELATING TO A NON-BINDING REFERENDUM ON GAMBLING."

Introduced by: Representatives Souki, Chang, Har, Ito, McKelvey, Say, and B. Oshiro.

1534 "A BILL FOR AN ACT RELATING TO GENETICALLY-ENGINEERED FOOD."

Introduced by: Representatives Souki and Tsuji.

1535 "A BILL FOR AN ACT RELATING TO RELIGIOUS FREEDOM."

Introduced by: Representative Souki, by request.

1536 "A BILL FOR AN ACT RELATING TO GAMING."

Introduced by: Representatives Souki, Awana, Chang, Har, McKelvey, Say, Keith-Agaran and Yamashita.

1537 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-NINTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Chong.

1538 "A BILL FOR AN ACT RELATING TO MEDICAL TORTS."

Introduced by: Representative Chong.

1539 "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representatives Chong, Tsuji, Yamashita, and B. Oshiro.

1540 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

1541 "A BILL FOR AN ACT RELATING TO FAMILY PLANNING."

Introduced by: Representative Say, by request.

1542 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Herkes.

1543 "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING LAW."

Introduced by: Representative Herkes.

1544 "A BILL FOR AN ACT RELATING TO FORECLOSURES."

Introduced by: Representative Herkes, by request.

1545 "A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION."

Introduced by: Representative Herkes.

1546 "A BILL FOR AN ACT RELATING TO PRIOR AUTHORIZATIONS."

Introduced by: Representative Herkes.

1547 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representative Brower.

1548 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS FOR THE BENEFIT OF THE TWENTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representative Brower.

1549 "A BILL FOR AN ACT RELATING TO SECURITY BREACHES OF PERSONAL INFORMATION."

Introduced by: Representatives Brower, Aquino, Cullen, Evans, Keith-Agaran, McKelvey, Nakashima, Nishimoto, Saiki and Hashem.

1550 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Representatives Brower, Aquino, Cabanilla, Cullen, Evans, Keith-Agaran, C. Lee, Manahan, McKelvey, Nishimoto, Tsuji, Hashem and M. Lee.

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| <p>1551 "A BILL FOR AN ACT RELATING TO TAX CREDITS."</p> <p>Introduced by: Representatives Brower, Keith-Agaran and McKelvey.</p> <p>1552 "A BILL FOR AN ACT RELATING TO COFFEE."</p> <p>Introduced by: Representatives Coffman, Wooley and Tsuji.</p> <p>1553 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INVESTIGATION AND MITIGATION OF DAMAGE DONE BY THE COFFEE BERRY BORER."</p> <p>Introduced by: Representatives Coffman, Tsuji and Wooley.</p> <p>1554 "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX."</p> <p>Introduced by: Representative Coffman.</p> <p>1555 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."</p> <p>Introduced by: Representatives Wooley and Takumi.</p> <p>1556 "A BILL FOR AN ACT RELATING TO CULTURE."</p> <p>Introduced by: Representative Wooley.</p> <p>1557 "A BILL FOR AN ACT RELATING TO CULTURE."</p> <p>Introduced by: Representative Wooley.</p> <p>1558 "A BILL FOR AN ACT RELATING TO FOREIGN LANGUAGE EDUCATION."</p> <p>Introduced by: Representatives Wooley and Takumi.</p> <p>1559 "A BILL FOR AN ACT RELATING TO EDUCATION."</p> <p>Introduced by: Representative Wooley.</p> <p>1560 "A BILL FOR AN ACT RELATING TO KAHANA VALLEY."</p> <p>Introduced by: Representative Wooley.</p> <p>1561 "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES."</p> <p>Introduced by: Representative Wooley.</p> <p>1562 "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION."</p> <p>Introduced by: Representative Wooley.</p> <p>1563 "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LAND."</p> <p>Introduced by: Representative Wooley.</p> <p>1564 "A BILL FOR AN ACT RELATING TO WATER CARRIERS."</p> <p>Introduced by: Representative Wooley.</p> | <p>1565 "A BILL FOR AN ACT RELATING TO STATE REHABILITATION COUNCIL."</p> <p>Introduced by: Representatives Tokioka and Mizuno.</p> <p>1566 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."</p> <p>Introduced by: Representatives Tokioka, Chang, Chong, Cullen, Har, Ichiyama, Ito, Manahan, Say, Yamane and Yamashita.</p> <p>1567 "A BILL FOR AN ACT RELATING TO INSPECTIONS."</p> <p>Introduced by: Representatives Tsuji, Awana, Brower, Chong, Hashem, Ito, Souki, Yamashita, Choy, Riviere and Tokioka.</p> <p>1568 "A BILL FOR AN ACT RELATING TO AGRICULTURE."</p> <p>Introduced by: Representatives Tsuji, Awana, Brower, Chong, Choy, Hashem, Souki, Tokioka, Yamashita and Riviere.</p> <p>1569 "A BILL FOR AN ACT RELATING TO AGRICULTURE."</p> <p>Introduced by: Representatives Tsuji, Awana, Brower, Chong, Hashem, Souki, Tokioka, Yamashita, Choy and Riviere.</p> <p>1570 "A BILL FOR AN ACT RELATING TO AGRICULTURE."</p> <p>Introduced by: Representatives Tsuji, Awana, Brower, Chong, Tokioka, Yamashita, Choy, Hashem and Riviere.</p> <p>1571 "A BILL FOR AN ACT RELATING TO AGRICULTURE."</p> <p>Introduced by: Representatives Tsuji, Awana, Riviere, Brower, Chong and Hashem.</p> <p>1572 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE 42ND REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Cabanilla.</p> <p>1573 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."</p> <p>Introduced by: Representatives Cabanilla, Chong, Evans, Fontaine, Hashem, Mizuno, Pine, Riviere, Takai, Brower, Hanohano, Herkes, Marumoto, McKelvey, B. Oshiro, Souki and Tokioka.</p> <p>1574 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SIXTH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Luke.</p> <p>1575 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."</p> <p>Introduced by: Representatives Luke, Keith-Agaran, C. Lee, Morikawa, Morita, Nishimoto, Carroll, Evans and Saiki.</p> <p>1576 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER."</p> <p>Introduced by: Representatives Luke, C. Lee, Morikawa, Morita, Nishimoto, Saiki, Carroll, Evans and Keith-Agaran.</p> |
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1577 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REAFFIRM AND STRENGTHEN THE STATE'S COMMITMENT TO ENVIRONMENTAL RIGHTS."

Introduced by: Representatives Luke, Carroll, Evans, C. Lee, Morikawa, Morita, Nishimoto and Saiki.

1578 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."

Introduced by: Representative Awana.

1579 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."

Introduced by: Representative Awana.

1580 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."

Introduced by: Representative Awana.

1581 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."

Introduced by: Representative Awana.

1582 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."

Introduced by: Representative Awana.

1583 "A BILL FOR AN ACT RELATING TO THE SUPER BOWL."

Introduced by: Representatives Awana, Manahan, Mizuno, Brower, Har, McKelvey and Tokioka.

1584 "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO EXPLORE OPPORTUNITIES TO FOSTER INTERNATIONAL RELATIONSHIPS."

Introduced by: Representatives Awana, McKelvey, Tsuji, Ward, Chong and Yamashita.

1585 "A BILL FOR AN ACT RELATING TO CREDIT SALES."

Introduced by: Representatives Awana, Chong and McKelvey.

1586 "A BILL FOR AN ACT RELATING TO OHANA HOUSING."

Introduced by: Representatives Awana, Chong, McKelvey, Ward and Yamashita.

1587 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Representatives Awana, Chong, McKelvey and Yamashita.

1588 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SEVENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Ching.

1589 "A BILL FOR AN ACT DESIGNATING FEBRUARY AS HAWAIIAN GROWN CACAO MONTH."

Introduced by: Representatives Ching, McKelvey, Evans and Keith-Agaran.

1590 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representatives Ching, Cabanilla, C. Lee, Marumoto, Pine, Chang, Evans, Herkes, M. Lee, McKelvey, Nakashima, Nishimoto, Say and Souki.

1591 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Ching, Cabanilla, C. Lee, Marumoto, Pine, Thielen, Chang, Evans, Fontaine, Herkes, M. Lee, McKelvey, Nakashima, Nishimoto, Say and Souki.

1592 "A BILL FOR AN ACT RELATING TO LEAF BLOWERS."

Introduced by: Representatives Ching, Marumoto, Chang, Evans, Fontaine, M. Lee, McKelvey, Nishimoto, Pine, Say and Souki.

1593 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives Ching, Chang, Evans, Fontaine, Herkes, C. Lee, M. Lee, McKelvey, Nakashima, Nishimoto, Pine, Say and Souki.

1594 "A BILL FOR AN ACT RELATING TO LEAF BLOWERS."

Introduced by: Representatives Ching, Marumoto, Chang, Evans, Fontaine, M. Lee, McKelvey, Nishimoto, Pine, Say and Souki.

1595 "A BILL FOR AN ACT RELATING TO HAWAII STATE DOG APPRECIATION DAY."

Introduced by: Representatives Ching, Evans, Keith-Agaran and McKelvey.

1596 "A BILL FOR AN ACT RELATING TO NATIONAL ASSISTANCE DOG WEEK."

Introduced by: Representatives Ching, Aquino, Awana, Chang, Choy, Evans, Fontaine, Har, Hashem, Keith-Agaran, C. Lee, McKelvey, Mizuno, Morikawa, B. Oshiro, Pine, Riviere, Souki and Ward.

1597 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Ching, Har, Aquino, Awana, Chang, Evans, Hashem, C. Lee, McKelvey, Mizuno, B. Oshiro, Pine, Souki and Ward.

1598 "A BILL FOR AN ACT RELATING TO THE CACAO INDUSTRY."

Introduced by: Representatives Ching, Riviere, Aquino, Awana, Cabanilla, Evans, Fontaine, Har, Hashem, Keith-Agaran, C. Lee, McKelvey, Mizuno, B. Oshiro, Pine, Souki and Ward.

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| <p>1599 "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS."

Introduced by: Representatives Ching, Evans, Keith-Agaran and McKelvey.</p> <p>1600 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representative Nishimoto.</p> <p>1601 "A BILL FOR AN ACT RELATING TO RECYCLING."

Introduced by: Representative Nishimoto, by request.</p> <p>1602 "A BILL FOR AN ACT RELATING TO MEDICAL HARM DISCLOSURE."

Introduced by: Representative Nishimoto, by request.</p> <p>1603 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Nishimoto.</p> <p>1604 "A BILL FOR AN ACT RELATING TO THE INTERNATIONAL DATE LINE."

Introduced by: Representatives Awana, Ward, Chong and Tsuji.</p> <p>1605 "A BILL FOR AN ACT RELATING TO FLOOD INSURANCE."

Introduced by: Representative Awana.</p> <p>1606 "A BILL FOR AN ACT RELATING TO BEHAVIORAL HEALTH."

Introduced by: Representatives Awana, Chong, McKelvey and Yamashita.</p> <p>1607 "A BILL FOR AN ACT RELATING TO RANGE LAND LIABILITY."

Introduced by: Representative Keith-Agaran.</p> <p>1608 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."

Introduced by: Representative Keith-Agaran.</p> <p>1609 "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW."

Introduced by: Representative Keith-Agaran.</p> <p>1610 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE POLICY."

Introduced by: Representatives Keith-Agaran and Nakashima.</p> <p>1611 "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW."

Introduced by: Representative Keith-Agaran.</p> | <p>1612 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING TO THE JUDICIARY."

Introduced by: Representative Keith-Agaran.</p> <p>1613 "A BILL FOR AN ACT RELATING TO VOTING."

Introduced by: Representatives Keith-Agaran, Aquino, Belatti, Brower, Chang, Ching, Coffman, Cullen, Evans, Fontaine, Hanohano, Hashem, Herkes, Ichiyama, Johanson, C. Lee, Luke, McKelvey, Mizuno, Morikawa, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Pine, Saiki, Say, Takai, Takumi, Thielen, Wooley, Yamashita, Cabanilla, Choy, Ito, M. Lee and Souki.</p> <p>1614 "A BILL FOR AN ACT RELATING TO A SILVER ALERT FOR MISSING SENIOR CITIZENS."

Introduced by: Representatives Johanson, Awana, Ching, Evans, Fontaine, Hanohano, Har, Keith-Agaran, C. Lee, Manahan, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Pine, Riviere, Takai, Thielen, Tokioka, Ward, Cabanilla, M. Lee and Souki.</p> <p>1615 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representatives Johanson, Evans, C. Lee, Manahan, Marumoto, Pine, Riviere, Thielen, Ward, Awana, Cabanilla, Ching, Har, Keith-Agaran, M. Lee, McKelvey, Mizuno, Morikawa, Souki and Tokioka.</p> <p>1616 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-EIGHTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Rhoads.</p> <p>1617 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Chang, Har, Herkes, McKelvey, Nakashima, Tsuji and Souki.</p> <p>1618 "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN HEALERS."

Introduced by: Representative Takumi.</p> <p>1619 "A BILL FOR AN ACT RELATING TO CERTIFIED PUBLIC ACCOUNTANCY."

Introduced by: Representative B. Oshiro, by request.</p> <p>1620 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representatives B. Oshiro and Herkes.</p> <p>1621 "A BILL FOR AN ACT RELATING TO DOGS."

Introduced by: Representative B. Oshiro.</p> <p>1622 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representatives B. Oshiro, Aquino, Cullen, Fontaine, Hanohano and Har.</p> |
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1623 "A BILL FOR AN ACT RELATING TO CIVIL UNIONS."

Introduced by: Representatives B. Oshiro, Brower, Chong, Coffman, Hanohano, Hashem, Herkes, Ichiyama, Jordan, Keith-Agaran, C. Lee, M. Lee, Marumoto, Morikawa, Morita, M. Oshiro, Rhoads, Say, Takumi, Thielen and Yamashita.

1624 "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA RESEARCH."

Introduced by: Representative Hanohano.

1625 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FOURTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Hanohano.

1626 "A BILL FOR AN ACT RELATING TO FUEL TAXES."

Introduced by: Representative Hanohano.

1627 "A BILL FOR AN ACT RELATING TO GOVERNMENT."

Introduced by: Representatives Hanohano, C. Lee and Wooley.

1628 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representative Hanohano.

1629 "A BILL FOR AN ACT RELATING TO MOTORIZED VEHICLES."

Introduced by: Representative Souki.

1630 "A BILL FOR AN ACT RELATING TO CAPITOL IMPROVEMENT PROJECTS FOR KAHULUI HARBOR."

Introduced by: Representatives Souki, McKelvey and Yamashita.

1631 "A BILL FOR AN ACT RELATING TO TAX."

Introduced by: Representatives Souki and Say.

1632 "A BILL FOR AN ACT RELATING TO CEMETERIES."

Introduced by: Representatives Souki and Yamashita.

1633 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives C. Lee, Mizuno, B. Oshiro and Tsuji.

1634 "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS."

Introduced by: Representative C. Lee.

1635 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE MARRIAGES."

Introduced by: Representatives C. Lee, Brower, Carroll, Hanohano, Morita, Nakashima, Rhoads and Takumi.

1636 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

Introduced by: Representatives C. Lee, Keith-Agaran, and B. Oshiro.

1637 "A BILL FOR AN ACT RELATING TO THE STATE TREE."

Introduced by: Representatives C. Lee, Mizuno, B. Oshiro, Nakashima, Rhoads and Tsuji.

1638 "A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS."

Introduced by: Representatives C. Lee, Brower, Carroll, Evans, Hanohano, M. Lee, Morita, Nakashima, Aquino, Awana, Chang, Chong, Choy, Cullen, Hashem, Mizuno, Nishimoto, B. Oshiro, Pine, Tsuji and Yamashita.

1639 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives C. Lee, Belatti, Brower, Carroll, Hanohano, Hashem, Marumoto, Mizuno, Morita, Nakashima, B. Oshiro, Ward, Aquino, Awana, Chang, Chong, Cullen, Evans, M. Lee, Pine, Rhoads and Tsuji.

1640 "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION."

Introduced by: Representatives C. Lee, Brower, Carroll, Evans, Hanohano, Keith-Agaran, Nakashima, Ward, Aquino, Awana, Chang, Chong, Choy, Cullen, Hashem, Jordan, M. Lee, Mizuno, B. Oshiro, Pine, Rhoads and Tsuji.

1641 "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT."

Introduced by: Representatives C. Lee, Belatti, Hanohano, Brower, Herkes, Jordan, Keith-Agaran, Morikawa, Rhoads and Riviere.

1642 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."

Introduced by: Representatives Yamashita, Aquino, Awana, Brower, Carroll, Chang, Chong, Cullen, Evans, Hashem, Ichiyama, Ito, Manahan, McKelvey, Mizuno, Nakashima, B. Oshiro, Say, Souki, Tokioka, Tsuji and Yamane.

1643 "A BILL FOR AN ACT RELATING TO MOPEDS."

Introduced by: Representatives Ward, Fontaine, Marumoto and Pine.

1644 "A BILL FOR AN ACT RELATING TO SHARK FEEDING."

Introduced by: Representatives Ward, Hanohano, Har, Hashem, Marumoto, Carroll, Evans, Herkes, Mizuno, B. Oshiro, Rhoads, Souki, Thielen and Tokioka.

1645 "A BILL FOR AN ACT RELATING TO BUSINESS."

Introduced by: Representatives Ward, Johanson and McKelvey.

1646 "A BILL FOR AN ACT RELATING OF EDUCATION."

Introduced by: Representatives Ward, Carroll, Hanohano, Hashem, Marumoto, Thielen and Mizuno.

- 1647 "A BILL FOR AN ACT RELATING TO DISCLOSURE."
Introduced by: Representatives Ward, Marumoto, Riviere, Carroll, Evans, Hashem, Johanson, Mizuno, Rhoads and Thielen.
- 1648 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTEENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Ward.
- 1649 "A BILL FOR AN ACT RELATING TO TEACHERS."
Introduced by: Representatives C. Lee and Keith-Agaran.
- 1650 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."
Introduced by: Representatives Chang and Tokioka.
- 1651 "A BILL FOR AN ACT RELATING TO SHIPBOARD GAMING."
Introduced by: Representative Chang.
- 1652 "A BILL FOR AN ACT RELATING TO ROADS."
Introduced by: Representatives Manahan, Aquino, Cullen and Rhoads.
- 1653 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Manahan, Brower, Ito, Tokioka, Yamane and Yamashita.
- 1654 "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES."
Introduced by: Representatives Manahan and Cabanilla.
- 1655 "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD."
Introduced by: Representative Say.
- 1656 "A BILL FOR AN ACT RELATING TO TEACHERS."
Introduced by: Representative Coffman, by request.
- 1657 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTEENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Carroll.
- 1658 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX."
Introduced by: Representative Cabanilla, by request.
- 1659 "A BILL FOR AN ACT RELATING TO FORECLOSURES."
Introduced by: Representative Cabanilla.

- 1660 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representatives Cabanilla, Hanohano, Manahan, Mizuno, Awana, McKelvey, Morikawa, and B. Oshiro.
- 1661 "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS."
Introduced by: Representative Cabanilla.
- 1662 "A BILL FOR AN ACT RELATING TO CONDOMINIUM DISPUTE RESOLUTION."
Introduced by: Representative Cabanilla, by request.
- 1663 "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE."
Introduced by: Representative Cabanilla, by request.
- 1664 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FIFTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Jordan.
- 1665 "A BILL FOR AN ACT RELATING TO LANDFILLS."
Introduced by: Representatives Jordan, Har and Mizuno.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

- | <u>H.B.
Nos.</u> | <u>Referred to:</u> |
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| 821 | Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance |
| 822 | Jointly to the Committee on Transportation and the Committee on Economic Revitalization & Business, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance |
| 823 | Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance |
| 824 | Committee on Labor & Public Employment, then to the Committee on Finance |
| 825 | Committee on Economic Revitalization & Business, then to the Committee on Finance |
| 826 | Committee on Labor & Public Employment, then to the Committee on Finance |
| 827 | Committee on Finance |
| 828 | Committee on Judiciary, then to the Committee on Finance |
| 829 | Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance |

830	Committee on Higher Education, then to the Committee on Finance	853	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
831	Committee on Economic Revitalization & Business, then to the Committee on Finance	854	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
832	Committee on Consumer Protection & Commerce, then to the Committee on Finance	855	Committee on Energy & Environmental Protection, then to the Committee on Finance
833	Committee on Transportation, then jointly to the Committee on Housing and the Committee on Health, then to the Committee on Finance	856	Committee on Energy & Environmental Protection, then to the Committee on Finance
834	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	857	Committee on Economic Revitalization & Business, then to the Committee on Finance
835	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	858	Committee on Transportation, then to the Committee on Consumer Protection & Commerce
836	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	859	Committee on Finance
837	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	860	Committee on Legislative Management, then to the Committee on Finance
838	Committee on Judiciary, then to the Committee on Finance	861	Committee on Judiciary, then to the Committee on Finance
839	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	862	Committee on Judiciary, then to the Committee on Finance
840	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	863	Committee on Health, then to the Committee on Finance
841	Committee on Health, then to the Committee on Judiciary	864	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
842	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	865	Committee on Agriculture, then to the Committee on Finance
843	Committee on Health, then to the Committee on Judiciary	866	Committee on Agriculture, then to the Committee on Finance
844	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	867	Jointly to the Committee on Agriculture and the Committee on Tourism, then to the Committee on Finance
845	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	868	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
846	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	869	Committee on Agriculture, then to the Committee on Finance
847	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	870	Committee on Judiciary, then to the Committee on Finance
848	Committee on Economic Revitalization & Business, then to the Committee on Finance	871	Jointly to the Committee on Human Services and the Committee on International Affairs, then to the Committee on Judiciary, then to the Committee on Finance
849	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance	872	Committee on Judiciary, then to the Committee on Finance
850	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	873	Committee on Economic Revitalization & Business, then to the Committee on Finance
851	Committee on Economic Revitalization & Business, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance	874	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
852	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	875	Committee on Education, then to the Committee on Judiciary
		876	Committee on Public Safety & Military Affairs, then to the Committee on Finance
		877	Committee on Health, then to the Committee on Consumer Protection & Commerce
		878	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

879	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	901	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
880	Committee on Consumer Protection & Commerce, then to the Committee on Finance	902	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
881	Committee on Consumer Protection & Commerce, then to the Committee on Finance	903	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
882	Committee on Judiciary	904	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Higher Education
883	Committee on Judiciary, then to the Committee on Finance	905	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
884	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	906	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
885	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	907	Committee on Education, then to the Committee on Finance
886	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	908	Committee on Education, then to the Committee on Finance
887	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	909	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
888	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	910	Committee on Higher Education, then to the Committee on Finance
889	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	911	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
890	Committee on Finance	912	Committee on Economic Revitalization & Business, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
891	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	913	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
892	Jointly to the Committee on Culture & the Arts and the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	914	Committee on Judiciary
893	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	915	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
894	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	916	Jointly to the Committee on Transportation and the Committee on Health, then to the Committee on Finance
895	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	917	Committee on Transportation, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
896	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	918	Committee on Transportation, then to the Committee on Finance
897	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance	919	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
898	Committee on Housing, then to the Committee on Finance	920	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
899	Committee on Housing, then to the Committee on Finance	921	Committee on Hawaiian Affairs, then jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources
900	Committee on Housing, then to the Committee on Finance	922	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

923	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	948	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance
924	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	949	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
925	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance	950	Committee on Health, then to the Committee on Finance
926	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	951	Committee on Education, then to the Committee on Finance
927	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance	952	Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
928	Committee on Transportation, then to the Committee on Housing, then to the Committee on Finance	953	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
929	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	954	Committee on Education, then to the Committee on Finance
930	Committee on Health, then to the Committee on Judiciary	955	Jointly to the Committee on Health and the Committee on Energy & Environmental Protection, then to the Committee on Finance
931	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	956	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism, then to the Committee on Finance
932	Committee on Education, then to the Committee on Finance	957	Committee on Finance
933	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources	958	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
934	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	959	Committee on Judiciary, then to the Committee on Finance
935	Committee on Judiciary, then to the Committee on Finance	960	Committee on Housing, then to the Committee on Finance
936	Committee on Judiciary, then to the Committee on Finance	961	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce
937	Committee on Tourism, then to the Committee on Finance	962	Committee on Economic Revitalization & Business, then to the Committee on Finance
938	Committee on Judiciary, then to the Committee on Finance	963	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance
939	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	964	Committee on Labor & Public Employment, then to the Committee on Finance
940	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	965	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
941	Committee on Education, then to the Committee on Finance	966	Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
942	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	967	Committee on Judiciary
943	Committee on Judiciary, then to the Committee on Finance	968	Committee on Human Services, then to the Committee on Judiciary
944	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	969	Jointly to the Committee on Culture & the Arts and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
945	Committee on Education, then to the Committee on Finance	970	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
946	Committee on Human Services, then to the Committee on Labor & Public Employment, then to the Committee on Judiciary	971	Committee on Education, then to the Committee on Finance
947	Jointly to the Committee on Agriculture and the Committee on International Affairs, then to the Committee on Finance		

972	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	998	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
973	Committee on Finance	999	Committee on Education, then to the Committee on Health, then to the Committee on Finance
974	Committee on Labor & Public Employment, then to the Committee on Finance	1000	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
975	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	1001	Committee on Judiciary, then to the Committee on Finance
976	Committee on Tourism, then to the Committee on Finance	1002	Committee on Judiciary
977	Committee on Culture & the Arts, then to the Committee on Finance	1003	Committee on Human Services, then to the Committee on Judiciary
978	Committee on Health, then to the Committee on Finance	1004	Committee on Judiciary, then to the Committee on Finance
979	Committee on Judiciary	1005	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
980	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance	1006	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
981	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	1007	Committee on Judiciary
982	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	1008	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
983	Committee on Economic Revitalization & Business, then to the Committee on Finance	1009	Committee on Judiciary, then to the Committee on Finance
984	Committee on Economic Revitalization & Business, then to the Committee on Higher Education, then to the Committee on Finance	1010	Committee on Judiciary
985	Committee on Economic Revitalization & Business, then to the Committee on Finance	1011	Committee on Judiciary, then to the Committee on Finance
986	Committee on Economic Revitalization & Business, then to the Committee on Finance	1012	Committee on International Affairs, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
987	Committee on Economic Revitalization & Business, then to the Committee on Finance	1013	Committee on Housing, then to the Committee on Finance
988	Committee on Transportation	1014	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
989	Committee on Transportation	1015	Committee on Energy & Environmental Protection, then to the Committee on Finance
990	Committee on Transportation	1016	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
991	Committee on Transportation	1017	Committee on Energy & Environmental Protection, then to the Committee on Finance
992	Committee on Transportation	1018	Committee on Energy & Environmental Protection, then to the Committee on Finance
993	Committee on Transportation, then to the Committee on Finance	1019	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
994	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	1020	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
995	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	1021	Committee on Labor & Public Employment, then to the Committee on Finance
996	Committee on Water, Land, & Ocean Resources, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance		
997	Committee on Consumer Protection & Commerce		

1022	Committee on Labor & Public Employment, then to the Committee on Finance	1047	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1023	Committee on Labor & Public Employment, then to the Committee on Finance	1048	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1024	Committee on Labor & Public Employment, then to the Committee on Finance	1049	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1025	Committee on Labor & Public Employment, then to the Committee on Finance	1050	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1026	Committee on Labor & Public Employment, then to the Committee on Finance	1051	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1027	Committee on Labor & Public Employment, then to the Committee on Finance	1052	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1028	Committee on Labor & Public Employment, then to the Committee on Finance	1053	Committee on Health, then to the Committee on Consumer Protection & Commerce
1029	Committee on Labor & Public Employment, then to the Committee on Finance	1054	Committee on Education, then to the Committee on Finance
1030	Committee on Labor & Public Employment, then to the Committee on Finance	1055	Committee on Education, then to the Committee on Finance
1031	Committee on Labor & Public Employment, then to the Committee on Finance	1056	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
1032	Committee on Labor & Public Employment, then to the Committee on Finance	1057	Committee on Education, then to the Committee on Finance
1033	Committee on Finance	1058	Committee on Education, then to the Committee on Finance
1034	Committee on Labor & Public Employment, then to the Committee on Finance	1059	Jointly to the Committee on Economic Revitalization & Business and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
1035	Committee on Labor & Public Employment, then to the Committee on Finance	1060	Committee on Finance
1036	Committee on Labor & Public Employment, then to the Committee on Finance	1061	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
1037	Committee on Labor & Public Employment, then to the Committee on Finance	1062	Committee on Economic Revitalization & Business, then to the Committee on Health, then to the Committee on Finance
1038	Committee on Labor & Public Employment, then to the Committee on Finance	1063	Committee on Hawaiian Affairs, then to the Committee on Finance
1039	Committee on Transportation, then to the Committee on Finance	1064	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
1040	Committee on Finance	1065	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
1041	Committee on Labor & Public Employment, then to the Committee on Finance	1066	Committee on Human Services, then to the Committee on Finance
1042	Committee on Labor & Public Employment, then to the Committee on Finance	1067	Committee on Human Services, then to the Committee on Public Safety & Military Affairs
1043	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1068	Committee on Energy & Environmental Protection, then to the Committee on Finance
1044	Committee on Finance	1069	Committee on Judiciary, then to the Committee on Finance
1045	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1070	Committee on Judiciary, then to the Committee on Finance
1046	Committee on Health, then to the Committee on Consumer Protection & Commerce	1071	Committee on Judiciary, then to the Committee on Finance

1072	Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1098	Committee on Transportation, then to the Committee on Judiciary
1073	Committee on Health, then to the Committee on Finance	1099	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1074	Committee on Housing, then to the Committee on Judiciary		
1075	Committee on Housing, then to the Committee on Judiciary	1100	Committee on Transportation, then to the Committee on Finance
1076	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1101	Committee on Transportation, then to the Committee on Finance
1077	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1102	Committee on Transportation, then to the Committee on Finance
1078	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1103	Committee on Higher Education, then to the Committee on Finance
1079	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1104	Committee on Higher Education, then to the Committee on Finance
1080	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1105	Committee on Higher Education, then to the Committee on Finance
1081	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	1106	Committee on Higher Education, then to the Committee on Finance
1082	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1107	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1083	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1108	Committee on Public Safety & Military Affairs, then to the Committee on Higher Education, then to the Committee on Finance
1084	Committee on Judiciary, then to the Committee on Finance	1109	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
1085	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	1110	Committee on Human Services, then to the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1086	Committee on Public Safety & Military Affairs, then to the Committee on Finance	1111	Committee on Human Services, then to the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1087	Committee on Public Safety & Military Affairs	1112	Committee on Judiciary
1088	Committee on Public Safety & Military Affairs, then to the Committee on Health, then to the Committee on Finance	1113	Committee on Judiciary, then to the Committee on Finance
1089	Committee on Finance	1114	Committee on Transportation, then to the Committee on Health, then to the Committee on Judiciary
1090	Committee on Transportation, then to the Committee on Finance	1115	Committee on Judiciary
1091	Committee on Finance	1116	Committee on Health, then to the Committee on Finance
1092	Committee on Finance	1117	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business
1093	Committee on Transportation, then to the Committee on Judiciary	1118	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance
1094	Committee on Transportation, then to the Committee on Judiciary	1119	Committee on Housing, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1095	Committee on Transportation, then to the Committee on Judiciary	1120	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance
1096	Committee on Transportation, then to the Committee on Judiciary		
1097	Committee on Transportation, then to the Committee on Finance		

1121	Committee on Human Services, then to the Committee on Judiciary	1147	Committee on Economic Revitalization & Business, then to the Committee on Finance
1122	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	1148	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1123	Committee on Judiciary		
1124	Committee on Culture & the Arts, then to the Committee on Finance	1149	Committee on Consumer Protection & Commerce
1125	Committee on Hawaiian Affairs	1150	Committee on Consumer Protection & Commerce
1126	Committee on Hawaiian Affairs	1151	Committee on Consumer Protection & Commerce
1127	Committee on Hawaiian Affairs	1152	Committee on Consumer Protection & Commerce
1128	Committee on Hawaiian Affairs	1153	Committee on Consumer Protection & Commerce
1129	Committee on Hawaiian Affairs	1154	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1130	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1155	Committee on Judiciary
1131	Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	1156	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
1132	Committee on Health, then to the Committee on Judiciary	1157	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1133	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	1158	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
1134	Committee on Health, then to the Committee on Consumer Protection & Commerce	1159	Committee on Economic Revitalization & Business, then to the Committee on Finance
1135	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1160	Committee on Economic Revitalization & Business, then to the Committee on Finance
1136	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	1161	Committee on Judiciary
1137	Jointly to the Committee on Culture & the Arts and the Committee on Hawaiian Affairs, then to the Committee on Finance	1162	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce
1138	Committee on Judiciary	1163	Committee on Tourism, then to the Committee on Finance
1139	Committee on Judiciary, then to the Committee on Finance	1164	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1140	Committee on Judiciary	1165	Committee on Health, then to the Committee on Judiciary
1141	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	1166	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1142	Committee on Labor & Public Employment, then to the Committee on Finance	1167	Jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
1143	Committee on Labor & Public Employment, then to the Committee on Finance	1168	Committee on Labor & Public Employment, then to the Committee on Finance
1144	Committee on Health, then to the Committee on Consumer Protection & Commerce	1169	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
1145	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1170	Committee on Judiciary
1146	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1171	Committee on Judiciary

1172	Committee on Energy & Environmental Protection, then to the Committee on Finance	1198	Committee on Water, Land, & Ocean Resources
1173	Committee on Finance	1199	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1174	Committee on Labor & Public Employment, then to the Committee on Finance	1200	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1175	Committee on Labor & Public Employment, then to the Committee on Finance	1201	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1176	Committee on Energy & Environmental Protection	1202	Committee on Health, then to the Committee on Judiciary
1177	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	1203	Committee on Health, then to the Committee on Finance
1178	Committee on Transportation, then to the Committee on Finance	1204	Committee on Labor & Public Employment
1179	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1205	Committee on Labor & Public Employment
1180	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1206	Committee on Labor & Public Employment
1181	Committee on Finance	1207	Committee on Labor & Public Employment
1182	Committee on Finance	1208	Committee on Labor & Public Employment
1183	Committee on Economic Revitalization & Business, then to the Committee on Finance	1209	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Agriculture, then to the Committee on Finance
1184	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	1210	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1185	Committee on Agriculture, then to the Committee on Finance	1211	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1186	Committee on Finance	1212	Committee on Human Services, then to the Committee on Finance
1187	Committee on Economic Revitalization & Business, then to the Committee on Finance	1213	Committee on Education, then to the Committee on Finance
1188	Committee on Health, then to the Committee on Finance	1214	Committee on Health, then to the Committee on Finance
1189	Committee on Judiciary, then to the Committee on Finance	1215	Committee on Health, then to the Committee on Education, then to the Committee on Finance
1190	Committee on Judiciary, then to the Committee on Finance	1216	Committee on Health, then to the Committee on Finance
1191	Committee on Finance	1217	Committee on Public Safety & Military Affairs, then to the Committee on Health, then to the Committee on Judiciary
1192	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	1218	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1193	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	1219	Committee on Public Safety & Military Affairs, then to the Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1194	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1220	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1195	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1221	Committee on Economic Revitalization & Business, then to the Committee on Judiciary
1196	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	1222	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1197	Committee on Judiciary, then to the Committee on Finance	1223	Committee on Hawaiian Affairs, then to the Committee on Judiciary

1224 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1225 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1226 Committee on Hawaiian Affairs, then jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1227 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1228 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

1229 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

1230 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1231 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

1232 Committee on Agriculture, then to the Committee on Finance

1233 Committee on Judiciary

1234 Committee on Judiciary

1235 Committee on Judiciary

1236 Committee on Judiciary

1237 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1238 Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

1239 Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1240 Committee on Transportation, then to the Committee on Finance

1241 Committee on Transportation, then to the Committee on Judiciary

1242 Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

1243 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Health, then to the Committee on Finance

1244 Committee on Judiciary

1245 Committee on Transportation, then to the Committee on Consumer Protection & Commerce

1246 Committee on Economic Revitalization & Business, then to the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

1247 Committee on Housing, then to the Committee on Consumer Protection & Commerce

1248 Committee on Agriculture, then to the Committee on Finance

1249 Committee on Housing, then to the Committee on Finance

1250 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1251 Committee on Economic Revitalization & Business, then to the Committee on Finance

1252 Committee on Finance

1253 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1254 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1255 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance

1256 Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

1257 Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

1258 Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B.
No.

Re-referred to:

550 Committee on Legislative Management, then to the Committee on Finance

At this time, Representative Evans moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving House Bills for introduction, seconded by Representative Pine and carried. (Representatives Chang and Har were excused.)

Vice Speaker Manahan: "Members, please note that tonight's 6 p.m. deadline is firm and there will be no exceptions. Please make sure you give yourselves and your staff ample time to file before 6 p.m.

"The House will stand in recess for the purposes of convening in Joint Session in the Senate Chambers for the State of the Judiciary Address at 10 a.m. We will reconvene in Regular Session on Friday at 12 noon in this Chamber."

RECESS

At 9:39 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess subject to the call of the Chair, and in accordance with Senate Concurrent Resolution No. 1, met in Joint Session with the Senate to receive the Chief Justice's State of the Judiciary Address in the Senate Chambers.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011 was called to order at 10:04 o'clock a.m. by the Honorable Shan Tsutsui, President of the Senate.

The Senate President then welcomed and recognized the following honored guests:

Lieutenant Governor Brian Schatz, who was presented a lei by Representative Karen Awana;

Ms. Collette Machado, Chair of the Office of Hawaiian Affairs, who was presented a lei by Senator Gilbert Kahele;

Mrs. Gailynn Williamson, wife of the Chief Justice, who was presented a lei by Senator Les Ihara, Jr.

Former Governor John D. Waihee, III, and Mrs. Lynn Waihee;

Former Governor Linda Lingle;

Former Chief Justice of the Hawaii Supreme Court, Ronald T.Y. Moon;

Associate Justice Paula Nakayama;

Associate Justice Simeon Acoba, Jr., and Mrs. Carolyn Acoba;

Ms. Patricia Lee, Honorary Consul General and Dean of the Consular Corps of Hawaii, and distinguished members of the Consular Corps; and

U.S. Attorney Florence Nakakuni and members of the law enforcement community, including the county Chiefs of Police and Prosecuting Attorneys.

President Tsutsui then called upon Senators Clayton Hee, Brickwood Galuteria and Sam Slom, and Representatives Gilbert Keith-Agaran, Blake Oshiro and Gene Ward, to escort Chief Justice Mark E. Recktenwald to the rostrum where he was presented lei by Senator Suzanne Chun Oakland and Representative Sharon Har.

President Tsutsui then presented to the Members of the Twenty-Sixth Legislature and the audience, the Chief Justice of the Hawaii Supreme Court, the Honorable Mark E. Recktenwald.

The Chief Justice then addressed the Joint Session as follows:

"Thank you, very much. President Tsutsui, Speaker Say, Lt. Governor Schatz, Members of the House and Senate, former Governor and Mrs. Waihee, former Governor Lingle, former Chief Justice Moon, fellow justices and judges, members of the Consular Corps, members of the Royal Order of Kamehameha, distinguished guests and friends, good morning and *aloha*.

"On behalf of the Hawaii State Judiciary, I thank the Legislature for giving me this opportunity to speak with you today. I am honored to deliver my first Address to you as Chief Justice. We appreciate the support you have given us over the years, and look forward to working with you to further the cause of justice in our community. We also look forward to working with Governor Abercrombie and his Administration.

"There are many ways in which our three branches of government can collaborate to better serve the people of Hawaii. To that end, I will explain the challenges and opportunities we are facing, and our vision for the future, and respectfully ask for your support in making that vision a reality.

"The Judiciary is a strong institution, and it owes that strength to the contributions of many people. This past year, Hawaii lost two pre-eminent jurists, Chief Justice William S. Richardson, and Judge Samuel P. King. Judge King was a leader in the founding of our Family Court in the 1960s, before going on to a distinguished career as a federal judge. CJ Richardson was the heart and soul of the Hawaii Judiciary, and was instrumental in shaping the modern legal landscape in Hawaii. We are honored to have members of the King and Richardson families with us today. Could you please join me in acknowledging the contributions of these two extraordinary men.

"Also, I wish to acknowledge the many contributions of my predecessor, Chief Justice Ronald Moon. Chief Justice Moon provided us with strong leadership while guiding the Judiciary into the 21st Century. We are honored to have him here today. Could you please join me in recognizing CJ Moon.

"I'd like to address several issues with you this morning: our mission, our caseload, our programs, and our needs that have been impacted by the economic downturn.

"Our core mission at the Judiciary is to administer justice. We do this, primarily, by adjudicating cases, and doing so in a way that is fair, impartial, transparent, prompt and respectful to the participants. But our role is not confined to deciding cases. Over the years, we have been given additional duties as well. We now play a role in addressing the problems that underlie those disputes, and in helping to alleviate their human impact. So whether it's supervising defendants on probation so they stay off drugs, or providing support to children whose parents are going through a divorce, or giving litigants the opportunity to resolve their disputes through alternative dispute resolution, the Judiciary is asked to do much beyond simply deciding cases.

"There is a common thread running through these broadened expectations. I believe it can be summed up as follows: our citizens want to be treated fairly and they want a justice system that works. They want a criminal justice system that reduces the risk that defendants will commit crimes again in the future. They want a family court system that supports our families when they are confronted with problems such as divorce, domestic violence or child abuse. And they want a civil justice system that resolves disputes in a timely and fair manner, and that is not so complex, expensive and time consuming, that few can afford it. Our citizens want justice that works.

"Since I became Chief Justice just over four months ago, I have visited each judicial circuit to meet with our judges, staff, attorneys and the public, to find out how we are doing in meeting those expectations. I have encountered great excitement about the work we are doing, and many good ideas to pursue in the future. Even though our staff and judges have been asked to make many sacrifices in recent years, they remain dedicated to our mission, and passionate about advancing the cause of justice in our community. I am deeply grateful for their professionalism, loyalty and commitment.

"Nevertheless, there are substantial challenges facing us. These have been difficult economic times for all of Hawaii, and the Judiciary has been no exception. In the last two years, our general fund appropriation was reduced by \$19.7 million, or more than 13%, while demand for our services has continued to increase. Two-day per month furloughs of Judiciary employees, which were instituted in November 2009, have eliminated more than 600,000 available staff hours of work. These reductions in our resources have had substantial negative effects throughout the judicial system. They have reduced, delayed, and in some cases, eliminated important services.

"Notably, Hawaii's families and most vulnerable citizens have been significantly impacted. The time it typically takes to process an uncontested divorce has doubled. The wait time for children to participate

in the Kids First program in Kapolei, which provides support for children whose parents are going through a divorce, has more than doubled.

"Justice has been delayed in civil cases as well. The number of pending civil cases in our District Courts increased by almost 100% from FY2008 through FY2010. The number of civil cases filed in Circuit Court has increased by almost 20% over the last two fiscal years, particularly in those areas which are linked to the health of the economy, such as foreclosures. Not surprisingly, since the resources available to address that increased caseload have been reduced, the median age of pending civil cases in Circuit Court has increased by more than 40 percent. By prolonging the time it takes to resolve civil disputes, the cost and uncertainty of litigation increases, and our community's efforts at economic recovery are hindered.

"The criminal justice system has also been adversely impacted. Twenty-four adult probation positions were eliminated in the First Circuit, including positions in high risk areas such as the sex offender unit, and the domestic violence unit. This has left individual probation officers supervising as many as 180 defendants, as opposed to the recommended national standard of not more than 120 defendants per officer. By stretching our probation officers too thin, we compromise their ability to protect the public and help probationers gain control over the problems, such as drug abuse, that landed them in trouble with the law. Having defendants successfully complete probation saves money for taxpayers in the long run, since the average cost of supervising a probationer is less than \$2 per day, while the cost of incarcerating an inmate is approximately \$137/day. It also helps to reduce the social and economic impacts associated with incarcerating Hawaii inmates on the mainland.

"Adequately funding the State court system is an investment in justice, and an investment in our community, that should not be compromised even during tough economic times.

"Justice is not something that should be rationed. The costs of attempting to do so will be far higher in the long run, than any savings that can be realized now. That's why the Judiciary's proposed budget seeks funding to eliminate furloughs, and get our employees back to work full time beginning July 1st.

"We are also asking for funding to address long-standing construction needs in our facilities across the State.

"Here in Honolulu, we are asking for funds to help us address issues such as leaking roofs at Circuit Court, where this winter's heavy rains damaged computers and documents, and destroyed ceiling fixtures.

"On the Big Island, we are asking for funding for design and land acquisition for a courthouse in Kona. Currently, we are holding court in three different facilities in Kona, none of which were designed as courthouses, including part of the Old Kona Hospital, where our law library is located in the former morgue. We also have the nursery there as well. We also occupy the former nursery where Judge Ibara, our Chief Judge, I guess spent his first few years in this world. So we're providing a continuum of service, but it's not the kind of continuum we want to provide.

"Moreover, the facilities we use to hold defendants in Kona are inadequate and raise safety concerns. For example, our pretrial holding area for District Court defendants lacks toilets or drinking water, and defendants in custody must therefore use restrooms in the public areas of the courthouse. We respectfully ask for your approval of our funding request so we can address these issues. The people of Kona deserve a courthouse that is secure, convenient and efficient.

"Although the challenges I have mentioned are daunting, there is much positive news to report. The opening of the new Ronald T.Y. Moon Judiciary Complex in Kapolei, which houses the Family Court and our Juvenile Detention Facility, has provided new focus to our efforts to serve children and families. The Family Court touches thousands of families every year, often when they are at their most vulnerable. This new facility provides us with better tools to reduce the stress of that process.

"Across the Judiciary, there is a real commitment to finding more efficient and effective ways to serve the public. The HOPE probation program, which is based on the simple premise of holding probationers immediately accountable when they use drugs or fail to report to their probation officer, has achieved remarkable results. Positive drug tests have been reduced by 83% among participants in HOPE probation, while recidivism has been cut in half.

"Hawaii has received widespread national recognition for these results, and other states have begun to adopt variations of the program. We are increasing the number of defendants in the program here on Oahu, and expanding its use on the neighbor islands. We have also begun discussions with Governor Abercrombie's Administration about the feasibility of expanding the program to the pretrial and parole stages of adjudication.

"While HOPE probation is an important tool in our efforts to break the cycle of drug dependence and crime, there are other critical programs as well. For defendants whose addictions are so deep-seated that the incentives provided by HOPE are not sufficient, the intensive treatment and supervision provided by Drug Court offers another important option. The combination of HOPE and Drug Court offers effective alternatives to incarceration and does so at a fraction of the cost. In recognition of these facts, the Legislature last year provided us with continued support for those programs. We deeply appreciate your support and believe that the confidence shown by the Legislature will be repaid many times over through lower costs and increased public safety. Our other specialty court programs, such as Mental Health Court, Girls Court, and Juvenile Drug Court, continue to make great strides in addressing the needs of those specialized populations.

"Indeed, they can have life-changing effects on the participants and those around them. One example of their success is Nellie Shy Mamuad. Nellie Shy has been involved in the Family Court system since she was 12 years old, and was a ward of the State. When Nellie Shy entered juvenile drug court in 2005 at age 16, she was using crystal methamphetamine and other drugs, and had been used by an older boyfriend to carry drugs between the islands.

"Through Juvenile Drug Court, Nellie Shy was able to complete her GED, and subsequently graduated with honors from community college. She is currently enrolled at the University of Hawaii, Hilo, where she is working toward a bachelor's degree in Social Work. Nellie Shy hopes to work with young people who have substance abuse problems.

"She continues to remain clean and sober, and to strive for a better future for herself and her two young children. Nellie Shy is here with us today. Could you please join me in acknowledging her for her success?

"In addition to programs such as HOPE probation and our specialty courts, the Judiciary is looking for other ways to be more effective in our work. We are in the midst of a transformation in the way we conduct business, moving from primarily paper-based systems to electronic filing and processing. Our electronic case management system, called JIMS for short, has enabled us to address some long-standing, and seemingly intractable problems, such as delays in issuing bench warrants, and collecting traffic fines and assessments. The electronic bench warrant project received two national awards last year, and we have collected \$15 million for the general fund through the traffic collections system since it was implemented in 2007.

"Just this fall, we expanded JIMS to include filings in our appellate courts. Attorneys and self-represented parties are now able to file appeals from their computers, at any time of day, and serve them on other parties who have consented to electronic service. In the years ahead we will bring electronic filing to the criminal courts, followed by the civil and then family courts. In our civil courtrooms, we are looking for ways to streamline the litigation process without compromising the rights of parties. It has become increasingly costly and time consuming to take a case to trial. Indeed, in FY 2010, more than 5,000 civil cases were filed statewide in the circuit courts, but only 14 civil cases were tried to a jury verdict.

"Although the relatively small number of civil cases going to trial is something we should continue to monitor, nevertheless the reality is that the vast majority of civil cases are going to be resolved by settlement. The judiciary has a long-standing commitment to providing opportunities for alternative dispute resolution, and I share in that commitment.

"While the Judiciary must by necessity focus on making the delivery of our services more efficient, at the same time we must remain true to the values reflected in the phrase "and justice for all." Many of Hawaii's low and moderate income families are unable to obtain the legal services that they need in the best of times, and the unmet need has become greater in these difficult economic conditions. The Access to Justice Hui concluded in 2007 that only about one in five low to moderate income Hawaii residents have their civil legal needs met. Things have gotten worse since then, with the downturn in our economy. There are many more people facing eviction, collections actions, foreclosure, loss of jobs or benefits, and related problems such as divorce or domestic violence. At the same time, state funding for legal service organizations has been sharply reduced.

"As a result of the recommendations of the Hui, the Hawaii Supreme Court formed the Access to Justice Commission in 2008. The Commission has had a number of significant accomplishments, including the establishment of model *pro bono* policies, recommendations for rule amendments and legislation, and the development of a foreclosure mediation pilot project on the Big Island. Perhaps equally important, the commission has significantly increased the level of interest in access to justice in our community. There is real momentum now, which we cannot afford to lose.

"The challenges posed by Access to Justice illustrate a fundamental truth about the Judiciary. In order to solve the many challenges we face, we must work collaboratively with other organizations and members of our community. We have a strong working relationship with the Hawaii State Bar Association, as well as the Neighbor Island bar associations, and with many other partners in our community, including the William S. Richardson School of Law, and the American Judicature Society.

"We are blessed with a strong volunteer program, which contributed 39,000 hours to the Judiciary in the past fiscal year. With us today is Mike Maeda, who contributed well over 12,000 volunteer hours during his 14 years of volunteer service to the Judiciary, as well as Wayne Sakai and Susan Arakaki, who each contributed over 600 volunteer hours in the last fiscal year alone. Please join me in recognizing these outstanding individuals.

"In addition, the Judiciary would not be as effective as it is without our many other partners, who complement the work we do in many different ways. One example of such a partnership involves the program known as Lawakua. Lawakua uses martial arts training to teach discipline and teamwork to young people, and has chapters set up at Kuhio Park Terrace and Halawa Housing. Since 2005, Lawakua has sponsored a chapter at the Kalihi YMCA for teenage boys and girls who are participants in our Juvenile Drug Court – a one-of-a-kind partnership anywhere in the nation. I have attended Lawakua's promotion ceremonies for the past three years, and have watched these young people grow and mature, in some cases winning scholarships and going on to college. We are honored to have with us today Matt Levi, the founder of Lawakua, as well as several current participants, graduates and instructors. Could you please join me in acknowledging them?

"Although the Judiciary must be completely independent and neutral when we decide cases, we must also engage the community in as many ways as possible to promote understanding of our Constitution and our system of law. To further that goal, the Supreme Court has begun holding oral argument at different locations in the community, starting with Kapolei in December, and at the Richardson School of Law next month.

"The Judiciary also supports many civics education programs which benefit students, ranging from the Mock Trial and We The People competitions, to training for teachers in issues related to the Constitution. Programs such as these are critical to the future of our democracy.

"During my remarks today, I have described the many challenges and opportunities facing the Judiciary. As we move forward, we are fortunate to have the leadership of the extraordinarily talented and dedicated people who serve as judges here in Hawaii. Whatever the challenge, whether taking on a rapidly increasing caseload, or developing new ways to improve the system of justice, our judges have answered the call. I thank them for their dedication, and their many contributions. And I also congratulate Judge Sabrina McKenna on her nomination to the Supreme Court.

"In closing, the role of the Judiciary has evolved substantially over the years, from simply deciding cases, to helping, in many instances, to address the underlying problems and alleviate the impacts of those problems. We have embraced that broader role, and believe that we have done it well. But we need the resources to ensure that we live up to the public's high expectations for us, whether it be deciding cases promptly, or helping children cope with the trauma of divorce, or helping a probationer overcome a drug problem and reconnect with his family and community.

"We know that there are many competing demands for our State's scarce resources, and that we cannot reasonably seek a greater share of those resources without first ensuring that our own house is in order, and that we are using the resources that we do have in the most effective and efficient way possible. That is exactly what we have tried to do through initiatives such as HOPE probation and the JIMS system, and we will continue looking for more such initiatives in the years ahead.

"Once again, I would like to thank the Members of the Legislature for inviting me here today, and for your continued support of the Judiciary. On behalf of the judges and staff of the Judiciary, and all of the people we serve, we look forward to working with you to further the cause of justice in Hawaii. Thank you, and Aloha."

Speaker Say then rose and stated:

"Thank you, Chief Justice Recktenwald. We at the Legislature appreciate hearing from you, your thoughts and your insights. And you have given us much to think about going forward into this 2011 Regular Session. We all recognize your sincerity, your dedication, and your effort to achieve the very best and effective and efficient operation of the State Judiciary. And for all of us, more importantly we recognize and applaud your quest to make justice available to all who come before courts.

"Again thank you, very much. There being no further business, I declare this Joint Session adjourned."

At 10:37 o'clock a.m., Speaker Say declared the Joint Session of the Senate and the House of Representatives of the Twenty-Sixth Legislature adjourned.

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon, Friday, January 28, 2011.

SIXTH DAY

Friday, January 28, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Representative Cindy Evans, after which the Roll was called showing all Members present with the exception of Representatives Chang, Ching and Takai, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 64 through 96) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 64, dated January 10, 2011, transmitting the Brownfields Cleanup Revolving Loan Fund 2010 Annual Report, prepared by the Department of Business, Economic Development & Tourism pursuant to Act 173, SLH 2002.

Gov. Msg. No. 65, dated January 18, 2011, transmitting the Annual Report of the Stadium Authority - Stadium Special Fund for fiscal year ended June 30, 2010, prepared by the Department of Accounting and General Services pursuant to Section 109-3, HRS.

Gov. Msg. No. 66, dated January 24, 2011, transmitting the Cash Economy Enforcement Act Report, prepared by the Department of Taxation pursuant to Act 134, Section 9, SLH 2009.

Gov. Msg. No. 67, dated January 24, 2011, transmitting the Goals and Objectives Report, prepared by the Department of Taxation pursuant to Act 100, SLH 1999.

Gov. Msg. No. 68, dated January 24, 2011, transmitting the 2009-2010 Annual Report of the Department of Taxation pursuant to Act 180, SLH 2010.

Gov. Msg. No. 69, dated January 24, 2011, transmitting the Electronic Funds Transfer Report, prepared by the Department of Taxation pursuant to Section 231-9.9, HRS.

Gov. Msg. No. 70, dated January 18, 2011, transmitting the School-by-School Expenditure Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 71, dated January 18, 2011, transmitting the Mandatory Expulsion Policy for Possession of a Firearm for School Year 2009-2010 Report, prepared by the Department of Education pursuant to Section 302A-1134, HRS.

Gov. Msg. No. 72, dated January 18, 2011, transmitting the Federal Grant Search, Development, and Application Revolving Fund Report, prepared by the Department of Education pursuant to Section 302A-1405, HRS.

Gov. Msg. No. 73, dated January 18, 2011, transmitting the Hawaii 3Rs School Repair and Maintenance Fund Report, prepared by the Department of Education pursuant to Section 302A-1502.4.

Gov. Msg. No. 74, dated January 18, 2011, transmitting the Annual Report on the Teacher Education Coordinating Committee, prepared by the Department of Education pursuant to Section 304-20, HRS.

Gov. Msg. No. 75, dated January 18, 2011, transmitting a Report Relating to Education School Impact Fees, prepared by the Department of Education pursuant to Act 245, SLH 2007, and Act 188, SLH 2010.

Gov. Msg. No. 76, dated January 18, 2011, transmitting a Report Relating to the State Budget Progress on Restructuring Under NCLB, prepared by the Department of Education pursuant to Act 162, Section 36, SLH 2009.

Gov. Msg. No. 77, dated January 18, 2011, transmitting the Project Funded Staff Report, prepared by the Department of Education pursuant to Act 162, Section 68, SLH 2009.

Gov. Msg. No. 78, dated January 18, 2011, transmitting a Report Relating to GO Bond Funds for School Building Improvements, Statewide (State Budget), prepared by the Department of Education pursuant to Act 180, Section 70.2, SLH 2010.

Gov. Msg. No. 79, dated January 18, 2011, transmitting a Report Relating to Bus Transportation Services for Students (State Budget), prepared by the Department of Education pursuant to Act 180, Section 159.2, SLH 2010.

Gov. Msg. No. 80, dated January 18, 2011, transmitting a Report on 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, prepared by the Department of Education pursuant to H.C.R. No. 289 (2010).

Gov. Msg. No. 81, dated January 18, 2011, transmitting a Report on Requesting Reports on the Economic Value of Expanded Workforce Development Capacity and STEM Initiatives, prepared by the Department of Education pursuant to H.C.R. No. 297 (2010).

Gov. Msg. No. 82, dated January 18, 2011, transmitting a Report Relating to Education Total Number of Requests for a Due Process Hearing, prepared by the Department of Education pursuant to Act 179, SLH 2008.

Gov. Msg. No. 83, dated January 18, 2011, transmitting a Report Relating to Repeal of School-level Minor Repair and Maintenance Account, prepared by the Department of Education pursuant to Act 31, SLH 2010.

Gov. Msg. No. 84, dated January 18, 2011, transmitting a Report on Requesting the Establishment of a Working Group to Develop a Comprehensive Plan to Improve Awareness of and Strengthen Support for Persons with Dyslexia, prepared by the Department of Education pursuant to S.C.R. No. 110 (2010).

Gov. Msg. No. 85, dated January 18, 2011, transmitting a Report Urging the Superintendent of Education to Establish and Facilitate a Special Education Private School Task Force to Advise the Department of Education on Policies or Procedures for Oversight and Monitoring Of Private School Or Facility Placements, prepared by the Department of Education pursuant to S.C.R. No. 150 (2009).

Gov. Msg. No. 86, dated January 18, 2011, transmitting a Report Urging the DOE to Incorporate Sign Language and Other Communication Strategies During Instruction to Enhance the Learning of Children with Cognitive and Other Disabilities, prepared by the Department of Education pursuant to S.C.R. No. 195 (2010).

Gov. Msg. No. 87, dated January 18, 2011, transmitting the July 2010 Report on the Medicaid School-based Claiming Program, prepared by the Department of Education pursuant to Act 141, SLH 2005.

Gov. Msg. No. 88, dated January 18, 2011, transmitting the October 2010 Report on the Medicaid School-based Claiming Program, prepared by the Department of Education pursuant to Act 141, SLH 2005.

Gov. Msg. No. 89, dated January 18, 2011, transmitting the Federal and Trust Funds Report, prepared by the Department of Education pursuant to Section 29-25, HRS.

Gov. Msg. No. 90, dated January 18, 2011, transmitting the State Educational Facilities Improvement Special Fund Report, prepared by the Department of Education pursuant to Section 36-32, HRS.

Gov. Msg. No. 91, dated January 18, 2011, transmitting the Annual Report for Repair and Maintenance, prepared by the Department of Education pursuant to Sections 36-35, 36-36, and 302A-1312, HRS.

Gov. Msg. No. 92, dated January 18, 2011, transmitting the Report on Transfers Performed Between Programs and Agencies Transfers of Appropriated Funds and Positions, prepared by the Department of Education pursuant to Section 37-74, HRS.

Gov. Msg. No. 93, dated January 18, 2011, transmitting the Report on Carry Over of Funds, prepared by the Department of Education pursuant to Section 37-41.5, HRS.

Gov. Msg. No. 94, dated January 18, 2011, transmitting the Incentive and Innovation Grant Trust Fund Report, prepared by the Department of Education pursuant to Section 302A-301, HRS.

Gov. Msg. No. 95, dated January 18, 2011, transmitting the Comprehensive Accountability System Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 96, dated January 18, 2011, transmitting the Annual Education Status Report Educational Assessment and Accountability Annual Reports, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 7 through 25) and concurrent resolutions (H.C.R. Nos. 4 through 29) were referred to Printing and further action was deferred:

H.R. No. 7, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF THE ATTORNEY GENERAL TO ESTABLISH A WORKING GROUP TO REVIEW LEGISLATION TO IDENTIFY OBSOLETE PROVISIONS AND MAKE RECOMMENDATIONS TO ADDRESS OBSOLETE PROVISIONS," was offered by Representative Nishimoto.

H.R. No. 8, entitled: "HOUSE RESOLUTION URGING PRIVATE ORGANIZATIONS TO ENSURE GENDER EQUALITY IN THEIR LEADERSHIP POSITIONS," was jointly offered by Representatives Cabanilla, Hanohano, Marumoto, Mizuno and Thielen.

H.R. No. 9, entitled: "HOUSE RESOLUTION RECOGNIZING THE NEED TO REACH OUT TO HAWAII WOMEN AND ENGAGE THEM IN THE POLITICAL PROCESS," was jointly offered by Representatives Ichiyama, Awana, Belatti, Cabanilla, Hanohano, M. Lee, Luke, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Pine and Thielen.

H.R. No. 10, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX," was offered by Representative Say, by request.

H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO IDENTIFY STATE OF HAWAII LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT," was offered by Representative Say, by request.

H.R. No. 12, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR OF HAWAII TO INVITE ALL APEC COUNTRIES TO ESTABLISH HONORARY CONSULS IN HAWAII AHEAD OF THE 2011 APEC SUMMIT," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

H.R. No. 13, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE DEPARTMENT OF STATE TO HOST MORE INTERNATIONAL CONFERENCES IN HAWAII," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

H.R. No. 14, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT THE TEACH FOR AMERICA PROGRAM," was jointly offered by Representatives Ward, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ching.

H.R. No. 15, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO ESTABLISH STEM/ROBOTICS CURRICULUM IN EVERY SCHOOL," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

H.R. No. 16, entitled: "HOUSE RESOLUTION ESTABLISHES THE MULTIPLE CHARTER SCHOOL AUTHORIZER TASK FORCE TO DEVELOP A STRATEGIC, INTEGRATED, AND COMPREHENSIVE PLAN TO INTEGRATE MULTIPLE CHARTER SCHOOL AUTHORIZERS INTO HAWAII'S CHARTER SCHOOL LAW," was jointly offered by Representatives Ward, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ching.

H.R. No. 17, entitled: "HOUSE RESOLUTION URGING THE AMENDING OF THE HOUSE RULES TO PROVIDE FOR THE EXTENSION OF THE ADVANCE NOTICE FOR A PUBLIC HEARING FROM FORTY-EIGHT TO SEVENTY-TWO HOURS, EXCLUDING THE HOURS ON WEEKENDS AND REQUIRING A VOTE BY THE FULL HOUSE OF REPRESENTATIVES FOR THERE TO BE WAIVER IN THE HEARING NOTICE REQUIREMENT," was jointly offered by Representatives Thielen, Ching, Fontaine, Johanson, Marumoto, Pine, Ward and Riviere.

H.R. No. 18, entitled: "HOUSE RESOLUTION STRONGLY URGING THE HOUSE OF REPRESENTATIVES TO POST ALL AMENDMENTS MADE TO BILLS AND RESOLUTIONS ONLINE IMMEDIATELY IN INSTANCES WHEN HARD COPIES OF THE AMENDMENTS OR AMENDED LEGISLATION ARE DISTRIBUTED AT COMMITTEE HEARINGS," was jointly offered by Representatives Thielen, Ching, Johanson, Marumoto, Pine, Riviere, Ward and Fontaine.

H.R. No. 19, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE OF REPRESENTATIVES TO BROADCAST MORE LEGISLATIVE PROCEEDINGS AND POST THEM ON THE LEGISLATIVE WEBSITE," was jointly offered by Representatives Thielen, Ching, Johanson, Marumoto, Pine, Riviere, Ward and Fontaine.

H.R. No. 20, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE ELECTION OF AN INTERIM SPEAKER OF THE HOUSE AT LEAST FORTY-FIVE DAYS PRIOR TO THE OPENING DAY OF THE LEGISLATIVE SESSION WHEN THE LEADERSHIP OF THE HOUSE OF REPRESENTATIVES IS NOT ORGANIZED BY THAT DATE," was jointly offered by Representatives Ward, Ching, Fontaine, Marumoto, Pine, Riviere and Thielen.

H.R. No. 21, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ASSESS MAXIMUM FINES, SETTLEMENTS, AND LIENS FOR MULTIPLE AND EGREGIOUS VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH AND SAFETY ORDINANCES," was jointly offered by Representatives Marumoto, Fontaine, Hashem, Johanson, Tsuji and Ward.

H.R. No. 22, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS ASSOCIATED WITH ALL-TERRAIN VEHICLE," was jointly offered by Representatives Marumoto, Fontaine, Hashem, Ward, Cullen, Johanson, Nakashima and Tsuji.

H.R. No. 23, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE MEANS OF ESTABLISHING A VERMICOMPOSTING INCOME TAX CREDIT FOR HAWAII TAXPAYERS," was jointly offered by Representatives M. Lee, Tsuji and Rhoads.

H.R. No. 24, entitled: "HOUSE RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," was jointly offered by Representatives Cabanilla, Awana, Cullen, M. Lee, Marumoto, Say, Aquino, Chang, Har, Ito, Johanson, and B. Oshiro.

H.R. No. 25, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES NAVY TO REMOVE THE INVASIVE PLANTS, EXCESSIVE FOLIAGE, AND OTHER DEBRIS FROM THE COASTLINE OF LOWER WAIPAHI," was jointly offered by Representatives Cabanilla, Aquino, Belatti, Chang, Chong, Cullen, Keith-Agaran, B. Oshiro, Say and Ito.

H.C.R. No. 4, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Marumoto, Awana, Belatti, Cabanilla, Evans, Hanohano, Ichiyama, Luke, Mizuno, Morikawa, Morita, Pine and Thielen.

H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONDUCT A STUDY ON WHETHER THE GOALS AND OBJECTIVES OF HAWAII'S SEX OFFENDER LAWS ARE BEING MET AND WHETHER SEX OFFENDER LAWS ARE BEING IMPLEMENTED IN THE WAY THEY WERE INTENDED," was jointly offered by Representatives Awana, Belatti, Cabanilla, Evans, Hanohano, Ichiyama, Luke, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Pine and Thielen.

H.C.R. No. 6, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII MEDICAL BOARD, BOARD OF PSYCHOLOGY, MARRIAGE AND FAMILY THERAPIST PROGRAM, AND MENTAL HEALTH COUNSELOR PROGRAM TO DEVELOP EDUCATIONAL MATERIAL TO PRINT, DISPLAY, AND MAKE AVAILABLE TO PATIENTS INFORMING THEM OF THE APPLICABLE ETHICAL STANDARDS RELATING TO SEXUAL BOUNDARIES IN THE PROVIDER-PATIENT RELATIONSHIP," was jointly offered by Representatives Marumoto, Cabanilla, Hanohano, McKelvey, Pine, Thielen, Evans, Ichiyama, Luke, Morikawa and Morita.

H.C.R. No. 7, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE JOHN A. BURNS SCHOOL OF MEDICINE AND THE SCHOOL OF NURSING AND DENTAL HYGIENE OF THE UNIVERSITY OF HAWAII TO INCLUDE BREASTFEEDING IN EDUCATIONAL CURRICULUM TO EDUCATE MEDICAL PROFESSIONALS TO ADVOCATE AND PROMOTE BREASTFEEDING AMONG EXPECTANT MOTHERS," was jointly offered by Representatives Thielen, Awana, Belatti, Cabanilla, Evans, Hanohano, Ichiyama, M. Lee, Luke, Marumoto, Morikawa, Morita and Pine.

H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX," was offered by Representative Say, by request.

H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES AS AN EXTENSION OF PU'U MAKALA NATURAL AREA RESERVE AND TO THE DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY," was offered by Representative Hanohano.

H.C.R. No. 10, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO IDENTIFY STATE OF HAWAII LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT," was offered by Representative Say, by request.

H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR OF HAWAII TO INVITE ALL APEC COUNTRIES TO ESTABLISH HONORARY CONSULS IN HAWAII AHEAD OF THE 2011 APEC SUMMIT," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE DEPARTMENT OF STATE TO HOST MORE INTERNATIONAL CONFERENCES IN HAWAII," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT THE TEACH FOR AMERICA PROGRAM," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Thielen.

H.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE BOARD OF EDUCATION TO ESTABLISH STEM/ROBOTICS CURRICULUM IN EVERY SCHOOL," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Riviere and Thielen.

H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHES THE MULTIPLE CHARTER SCHOOL AUTHORIZER TASK FORCE TO DEVELOP A STRATEGIC, INTEGRATED, AND COMPREHENSIVE PLAN TO INTEGRATE MULTIPLE CHARTER SCHOOL AUTHORIZERS INTO HAWAII'S CHARTER SCHOOL LAW," was jointly offered by Representatives Ward, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ching.

H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE LEGISLATURE TO POST ALL AMENDMENTS MADE TO BILLS AND RESOLUTIONS ONLINE IMMEDIATELY IN INSTANCES WHEN HARD COPIES OF THE AMENDMENTS OR AMENDED LEGISLATION ARE DISTRIBUTED AT COMMITTEE HEARINGS," was jointly offered by Representatives Thielen, Ching, Johanson, Marumoto, Pine, Ward, Fontaine and Riviere.

H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO BROADCAST MORE LEGISLATIVE PROCEEDINGS AND POST THEM ON THE LEGISLATIVE WEBSITE," was jointly offered by Representatives Thielen, Ching, Fontaine, Johanson, Marumoto, Pine, Riviere and Ward.

H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ASSESS MAXIMUM FINES, SETTLEMENTS, AND LIENS FOR MULTIPLE AND EGREGIOUS VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH AND SAFETY ORDINANCES," was jointly offered by Representatives Marumoto, Fontaine, Hashem, Johanson and Tsuji.

H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS ASSOCIATED WITH ALL-TERRAIN VEHICLE," was jointly offered by Representatives Marumoto, Fontaine, Hashem, Ward, Cullen, Johanson, Nakashima and Tsuji.

H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE REGULATION OF THE PROFESSION OF MUSIC THERAPY," was jointly offered by Representatives Aquino, Cabanilla, Choy, Cullen, Hanohano, M. Lee, Manahan, Mizuno, Nakashima, B. Oshiro, Yamashita, Pine and Souki.

H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-4.1 OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was jointly offered by Representatives Cabanilla, Marumoto, Say, Aquino, Awana, Chang, Chong, Cullen, Har, Ito, Keith-Agaran, M. Lee, and B. Oshiro.

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO REMOVE THE INVASIVE PLANTS, EXCESSIVE FOLIAGE, AND OTHER DEBRIS FROM THE COASTLINE OF LOWER WAIPAHAU," was jointly offered by Representatives Cabanilla, Aquino, Awana, Belatti, Chang, Chong, Cullen, Har, M. Lee, B. Oshiro, Say, Ito and Marumoto.

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION AND EARLY DETECTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was jointly offered by Representatives M. Lee, Awana, Brower, Hanohano, Har, Ichiyama, Johanson, Keith-Agaran, Marumoto, Mizuno, Nakashima, Pine, Thielen, Tokioka, Tsuji, Aquino and Cullen.

H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was jointly offered by Representatives M. Lee, Awana, Evans, Hanohano, Har, Keith-Agaran, Marumoto, Mizuno, Pine, Thielen, Tokioka, Aquino, Brower, Cullen, Fontaine, Ichiyama, Johanson, Riviere and Tsuji.

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT REPORT ON LEGISLATION. MANDATING COVERAGE OF PALLIATIVE CARE," was jointly offered by Representatives M. Lee, Awana, Evans, Hanohano, Marumoto, Mizuno, Nakashima, Thielen, Aquino, Cabanilla, Ching, Chong, Cullen, Fontaine, Ichiyama, Johanson, Keith-Agaran, Pine and Tsuji.

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE RENTAL PROPERTY MANAGER PROFESSION," was offered by Representative Nishimoto, by request.

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," was jointly offered by Representatives Cabanilla, Awana, Evans, Mizuno, Pine, Aquino, Chang, Ching and Marumoto.

H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AUDIT OF THE SPECIAL FUNDS ADMINISTERED BY THE UNIVERSITY OF HAWAII," was offered by Representative Nishimoto.

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND," was offered by Representative McKelvey.

ANNOUNCEMENTS

Representative Belatti: "Thank you, Mr. Speaker. I just want to turn my colleagues' attention to a flyer on your desk. It's a free tax help and claim valuable tax credits flyer. I asked that the Sergeant-at-Arms place this at each of our Member's desks because today is EITC Awareness Day for the nation. The purpose for this flyer is to urge you to share this with your community, with your residents.

"In tax year 2009, the EITC returned more than \$205 million to over 100,000 residents locally. In these tough economic times, every little bit helps. So I wanted to share this information with the Members. Thank you, Mr. Speaker."

Representative Cabanilla: "Thank you, Mr. Speaker. I would like to remind the members of the Housing Committee that we have an informational briefing at 1:00 today. Thank you."

Representative Hanohano: "I would like to give a birthday wish to my Vice Chair, Chris Lee. Today is his birthday. Thank you."

Representative C. Lee: "Thank you, Mr. Speaker. Thank you everyone, first of all. But I'm standing here on a more pressing note. In keeping with the good traditions of this House, I was elected two years ago as the youngest member of this Body, in 2008 at age 27. And at the time, my predecessors presented me with a certificate of recognition in that honor. I have it here. It's been hanging on my wall for the last two years. This is a ten percent off coupon for Huggies Pull Up training pants. I haven't put it to that good use yet, but I'm sure there are others who follow me who can probably use it.

"So at the time, we captured this recognition back from the Senate. I'm glad it's here in the House and will continue to be. I was affectionately dubbed, 'Kids Meal' by those who came before. So it's my honor today to present this, in the strong tradition of the House, to the new youngest Representative.

"From Chris 'Kids Meal' Lee, to Representative Linda 'Diapers' Ichiyama. And we do hope that you will be keeping this on your wall for the following years to come, and we wish you all the best in all your future endeavors. Thank you, very much, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.B. Nos.

Referred to:

1259 Committee on Finance

1260 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1261 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

1262 Committee on Human Services, then to the Committee on Judiciary

1263 Committee on Human Services, then to the Committee on Finance

1264 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

1265 Committee on Economic Revitalization & Business, then to the Committee on Finance

1266 Committee on Transportation, then to the Committee on Finance

1267 Committee on Health, then to the Committee on Finance

1268 Committee on Labor & Public Employment, then to the Committee on Finance

1269 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1270 Committee on Finance

1271 Committee on Consumer Protection & Commerce, then to the Committee on Finance

1272 Committee on Consumer Protection & Commerce, then to the Committee on Finance

1273 Jointly to the Committee on Agriculture and the Committee on Higher Education, then to the Committee on Finance

1274 Committee on Agriculture, then to the Committee on Finance

1275 Committee on Agriculture, then to the Committee on Finance

1276 Committee on Agriculture, then to the Committee on Finance

1277 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1278 Committee on Judiciary, then to the Committee on Finance

1279 Committee on Education, then to the Committee on Finance

1280 Committee on Agriculture, then to the Committee on Finance

1281 Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance

1282 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

1283 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Economic Revitalization & Business, then to the Committee on Finance

1284 Committee on Health, then to the Committee on Finance

1285 Jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business, then to the Committee on Finance

1286 Committee on Energy & Environmental Protection, then to the Committee on Finance

1287 Committee on Education, then to the Committee on Finance

1288 Committee on Finance

1289 Committee on Public Safety & Military Affairs

1290 Committee on Public Safety & Military Affairs

1291 Committee on Public Safety & Military Affairs

1292 Committee on Economic Revitalization & Business

1293 Committee on Economic Revitalization & Business

1294 Committee on Economic Revitalization & Business

1295 Committee on Economic Revitalization & Business

1296 Committee on Economic Revitalization & Business

1297 Committee on Energy & Environmental Protection, then to the Committee on Finance

1298 Committee on Finance

1299 Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance

1300 Committee on Economic Revitalization & Business, then to the Committee on Finance

1301 Committee on Judiciary

1302 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1303 Committee on Housing, then to the Committee on Finance

1304 Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance

1305 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

1306 Committee on Housing, then to the Committee on Finance

1307 Committee on Economic Revitalization & Business, then to the Committee on Finance

1308	Jointly to the Committee on Economic Revitalization & Business and the Committee on Higher Education, then to the Committee on Finance	1333	Committee on Judiciary, then to the Committee on Finance
1309	Jointly to the Committee on Economic Revitalization & Business and the Committee on Higher Education, then to the Committee on Finance	1334	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
1310	Committee on Education, then to the Committee on Finance	1335	Committee on Finance
1311	Committee on Finance	1336	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance
1312	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1337	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1313	Committee on Education, then to the Committee on Finance	1338	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
1314	Committee on Human Services, then to the Committee on Judiciary	1339	Committee on Economic Revitalization & Business, then to the Committee on Judiciary
1315	Committee on Energy & Environmental Protection	1340	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1316	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1341	Committee on Finance
1317	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance	1342	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1318	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	1343	Committee on Finance
1319	Committee on Finance	1344	Committee on Hawaiian Affairs, then to the Committee on Health, then to the Committee on Consumer Protection & Commerce
1320	Committee on Judiciary, then to the Committee on Finance	1345	Committee on Health, then to the Committee on Judiciary
1321	Committee on Education, then to the Committee on Finance	1346	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business
1322	Committee on Higher Education, then to the Committee on Finance	1347	Committee on Transportation, then to the Committee on Finance
1323	Committee on Higher Education, then to the Committee on Finance	1348	Committee on Education, then to the Committee on Finance
1324	Committee on Higher Education, then to the Committee on Finance	1349	Committee on Finance
1325	Committee on Higher Education, then to the Committee on Finance	1350	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1326	Committee on Higher Education, then to the Committee on Finance	1351	Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1327	Committee on Higher Education, then to the Committee on Finance	1352	Committee on Education, then to the Committee on Finance
1328	Committee on Higher Education, then to the Committee on Finance	1353	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1329	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance	1354	Committee on Judiciary
1330	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	1355	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
1331	Committee on Health, then to the Committee on Finance	1356	Committee on Labor & Public Employment, then to the Committee on Judiciary
1332	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	1357	Committee on Transportation, then to the Committee on Judiciary

1358	Committee on Finance	1384	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1359	Committee on Judiciary	1385	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1360	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1386	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
1361	Committee on International Affairs, then to the Committee on Legislative Management, then to the Committee on Finance	1387	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
1362	Committee on Economic Revitalization & Business, then to the Committee on Finance	1388	Committee on Transportation, then to the Committee on Finance
1363	Committee on Economic Revitalization & Business, then to the Committee on Finance	1389	Committee on Energy & Environmental Protection, then to the Committee on Finance
1364	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1390	Committee on Economic Revitalization & Business, then to the Committee on Health, then to the Committee on Finance
1365	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1391	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1366	Committee on Energy & Environmental Protection, then to the Committee on Finance	1392	Committee on Housing, then to the Committee on Finance
1367	Committee on Judiciary, then to the Committee on Finance	1393	Committee on Housing, then to the Committee on Finance
1368	Committee on Judiciary, then to the Committee on Finance	1394	Committee on Public Safety & Military Affairs, then jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Culture & the Arts, then to the Committee on Finance
1369	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	1395	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1370	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	1396	Committee on Housing, then to the Committee on Finance
1371	Committee on Finance	1397	Committee on Economic Revitalization & Business, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
1372	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1398	Committee on Housing, then to the Committee on Finance
1373	Committee on Transportation, then to the Committee on Finance	1399	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1374	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1400	Committee on Energy & Environmental Protection, then to the Committee on Finance
1375	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1401	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
1376	Committee on Judiciary	1402	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
1377	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1403	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
1378	Committee on Culture & the Arts, then to the Committee on Finance	1404	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1379	Committee on Transportation, then to the Committee on Judiciary	1405	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1380	Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance		
1381	Committee on Judiciary, then to the Committee on Finance		
1382	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary		
1383	Committee on Health, then to the Committee on Judiciary		

1406	Jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	1429	Committee on Labor & Public Employment, then to the Committee on Finance
1407	Committee on Human Services, then to the Committee on Judiciary	1430	Committee on Labor & Public Employment, then to the Committee on Finance
1408	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1431	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1409	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	1432	Committee on Transportation, then to the Committee on Judiciary
1410	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	1433	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Health, then to the Committee on Finance
1411	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	1434	Committee on Labor & Public Employment, then to the Committee on Finance
1412	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	1435	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1413	Committee on Labor & Public Employment, then to the Committee on Finance	1436	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1414	Committee on Labor & Public Employment, then to the Committee on Finance	1437	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture
1415	Committee on Labor & Public Employment, then to the Committee on Finance	1438	Committee on Hawaiian Affairs, then to the Committee on Finance
1416	Committee on Labor & Public Employment, then to the Committee on Finance	1439	Committee on Judiciary
1417	Committee on Labor & Public Employment, then to the Committee on Finance	1440	Committee on Judiciary, then to the Committee on Finance
1418	Committee on Labor & Public Employment, then to the Committee on Finance	1441	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
1419	Committee on Labor & Public Employment, then to the Committee on Finance	1442	Committee on Higher Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1420	Committee on Labor & Public Employment, then to the Committee on Finance	1443	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1421	Committee on Labor & Public Employment, then to the Committee on Finance	1444	Committee on Health, then to the Committee on Finance
1422	Committee on Labor & Public Employment, then to the Committee on Finance	1445	Committee on Finance
1423	Committee on Labor & Public Employment, then to the Committee on Finance	1446	Committee on Health, then to the Committee on Finance
1424	Committee on Labor & Public Employment, then to the Committee on Finance	1447	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1425	Committee on Labor & Public Employment, then to the Committee on Finance	1448	Committee on Labor & Public Employment, then to the Committee on Finance
1426	Committee on Labor & Public Employment, then to the Committee on Finance	1449	Committee on Housing, then to the Committee on Finance
1427	Committee on Labor & Public Employment, then to the Committee on Finance	1450	Jointly to the Committee on Housing and the Committee on Labor & Public Employment, then to the Committee on Finance
1428	Committee on Labor & Public Employment, then to the Committee on Finance	1451	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
		1452	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
		1453	Committee on Judiciary

1454	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1480	Committee on Human Services, then to the Committee on Higher Education, then to the Committee on Finance
1455	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1481	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1456	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	1482	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1457	Committee on Higher Education, then to the Committee on Finance	1483	Committee on Hawaiian Affairs, then jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1458	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	1484	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1459	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	1485	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
1460	Committee on Finance		
1461	Committee on Labor & Public Employment, then to the Committee on Finance	1486	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1462	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	1487	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
1463	Committee on Finance		
1464	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1488	Committee on Agriculture, then to the Committee on Judiciary
1465	Committee on Judiciary	1489	Committee on Hawaiian Affairs, then to the Committee on Housing, then to the Committee on Finance
1466	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	1490	Committee on Judiciary
1467	Committee on Transportation, then to the Committee on Finance	1491	Committee on Education, then to the Committee on Finance
1468	Committee on Housing, then to the Committee on Judiciary	1492	Committee on Finance
1469	Committee on Education, then to the Committee on Finance	1493	Committee on Transportation, then to the Committee on Judiciary
1470	Committee on Judiciary	1494	Committee on Health, then to the Committee on Consumer Protection & Commerce
1471	Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance	1495	Committee on Health, then to the Committee on Judiciary
1472	Committee on Finance	1496	Committee on Higher Education, then to the Committee on Agriculture, then to the Committee on Finance
1473	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance	1497	Committee on Judiciary
1474	Committee on Health, then to the Committee on Judiciary	1498	Committee on Culture & the Arts, then to the Committee on Finance
1475	Committee on Agriculture, then to the Committee on Health	1499	Committee on Economic Revitalization & Business, then to the Committee on Finance
1476	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	1500	Committee on Health, then to the Committee on Consumer Protection & Commerce
1477	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	1501	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance
1478	Committee on Judiciary	1502	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1479	Committee on Labor & Public Employment, then to the Committee on Finance	1503	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

1504	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	1529	Committee on Economic Revitalization & Business, then to the Committee on Finance
1505	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1530	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1506	Committee on Finance	1531	Committee on Transportation, then to the Committee on Finance
1507	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1532	Committee on Judiciary, then to the Committee on Finance
1508	Committee on Housing, then to the Committee on Finance	1533	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
1509	Committee on Economic Revitalization & Business, then to the Committee on Finance	1534	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1510	Committee on Transportation, then to the Committee on Finance	1535	Committee on Judiciary, then to the Committee on Finance
1511	Committee on Economic Revitalization & Business, then to the Committee on Finance	1536	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1512	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	1537	Committee on Finance
1513	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	1538	Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1514	Committee on Labor & Public Employment, then to the Committee on Judiciary	1539	Committee on Tourism, then to the Committee on Finance
1515	Committee on Judiciary	1540	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
1516	Committee on Transportation, then to the Committee on Finance	1541	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1517	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	1542	Committee on Finance
1518	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1543	Committee on Consumer Protection & Commerce
1519	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1544	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1520	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	1545	Committee on Health, then to the Committee on Consumer Protection & Commerce
1521	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1546	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1522	Committee on Finance	1547	Committee on Finance
1523	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	1548	Committee on Finance
1524	Committee on Agriculture, then to the Committee on Judiciary	1549	Committee on Judiciary, then to the Committee on Finance
1525	Committee on Finance	1550	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1526	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	1551	Committee on Economic Revitalization & Business, then to the Committee on Finance
1527	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary	1552	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
1528	Committee on Finance	1553	Committee on Agriculture, then to the Committee on Finance
		1554	Committee on Economic Revitalization & Business, then to the Committee on Finance

1555	Committee on Higher Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1583	Jointly to the Committee on Economic Revitalization & Business and the Committee on Tourism, then to the Committee on Finance
1556	Committee on Culture & the Arts	1584	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1557	Committee on Culture & the Arts		
1558	Committee on Education, then to the Committee on Finance	1585	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce
1559	Committee on Culture & the Arts	1586	Committee on Housing, then to the Committee on Finance
1560	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	1587	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
1561	Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance	1588	Committee on Finance
1562	Committee on Education, then to the Committee on Finance	1589	Committee on Agriculture
1563	Committee on Agriculture, then to the Committee on Finance	1590	Committee on Transportation, then to the Committee on Judiciary
1564	Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1591	Committee on Education, then to the Committee on Finance
1565	Committee on Human Services	1592	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
1566	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1593	Committee on Culture & the Arts, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1567	Jointly to the Committee on Transportation and the Committee on Agriculture, then to the Committee on Finance	1594	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
1568	Jointly to the Committee on Transportation and the Committee on Agriculture, then to the Committee on Finance	1595	Committee on Culture & the Arts
1569	Committee on Agriculture, then to the Committee on Finance	1596	Committee on Culture & the Arts
1570	Committee on Agriculture, then to the Committee on Finance	1597	Committee on Economic Revitalization & Business, then to the Committee on Finance
1571	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1598	Committee on Agriculture, then to the Committee on Finance
1572	Committee on Finance	1599	Committee on Human Services, then to the Committee on Judiciary
1573	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance	1600	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
1574	Committee on Finance	1601	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
1575	Committee on Judiciary, then to the Committee on Finance	1602	Committee on Health, then to the Committee on Finance
1576	Committee on Judiciary	1603	Committee on Higher Education, then to the Committee on Finance
1577	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	1604	Committee on International Affairs, then to the Committee on Finance
1578	Committee on International Affairs	1605	Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce
1579	Committee on International Affairs	1606	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1580	Committee on International Affairs	1607	Committee on Agriculture, then to the Committee on Judiciary
1581	Committee on International Affairs	1608	Committee on Judiciary, then to the Committee on Finance
1582	Committee on International Affairs		

1609	Committee on Judiciary, then to the Committee on Finance	1633	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance
1610	Committee on Transportation, then to the Committee on Consumer Protection & Commerce	1634	Committee on Human Services, then to the Committee on Judiciary
1611	Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance	1635	Committee on Judiciary
1612	Committee on Judiciary	1636	Committee on Energy & Environmental Protection, then to the Committee on Finance
1613	Committee on Judiciary, then to the Committee on Finance	1637	Jointly to the Committee on Culture & the Arts and the Committee on Hawaiian Affairs
1614	Committee on Public Safety & Military Affairs, then to the Committee on Finance	1638	Committee on Economic Revitalization & Business, then to the Committee on Finance
1615	Committee on Legislative Management, then to the Committee on Finance	1639	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance
1616	Committee on Finance	1640	Committee on Judiciary, then to the Committee on Finance
1617	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business, then to the Committee on Finance	1641	Committee on Judiciary
1618	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1642	Committee on Economic Revitalization & Business, then to the Committee on Finance
1619	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1643	Committee on Transportation, then to the Committee on Judiciary
1620	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce	1644	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1621	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	1645	Committee on Economic Revitalization & Business, then to the Committee on Finance
1622	Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1646	Committee on Education, then to the Committee on Finance
1623	Committee on Judiciary	1647	Committee on Judiciary, then to the Committee on Finance
1624	Committee on Public Safety & Military Affairs, then to the Committee on Health, then to the Committee on Finance	1648	Committee on Finance
1625	Committee on Finance	1649	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
1626	Committee on Transportation, then to the Committee on Finance	1650	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1627	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1651	Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
1628	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	1652	Committee on Transportation, then to the Committee on Finance
1629	Committee on Transportation, then to the Committee on Judiciary	1653	Committee on Tourism, then to the Committee on Finance
1630	Committee on Finance	1654	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Water, Land, & Ocean Resources
1631	Committee on Finance	1655	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
1632	Committee on Public Safety & Military Affairs, then to the Committee on Finance	1656	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
		1657	Committee on Finance

1658	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	927	Committee on Energy & Environmental Protection, then to the Committee on Finance
1659	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1078	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1660	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Judiciary	1239	Committee on Transportation, then to the Committee on Finance
1661	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1256	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
1662	Committee on Housing, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance		
1663	Committee on Housing, then to the Committee on Consumer Protection & Commerce		
1664	Committee on Finance		
1665	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Health		

ADJOURNMENT

At 12:14 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, January 31, 2011. (Representatives Chang and Takai were excused.)

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>
4	Committee on Education, then to the Committee on Finance
220	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
321	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
402	Committee on Energy & Environmental Protection, then jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance
423	Committee on Energy & Environmental Protection, then to the Committee on Finance
552	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary
582	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
788	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance
789	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance
849	Committee on Education, then to the Committee on Finance
894	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
896	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

SEVENTH DAY

Monday, January 31, 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.

The ecumenical invocation was delivered by Representative Rida T.R. Cabanilla, after which the Roll was called showing all Members present with the exception of Representatives Carroll, McKelvey and Saiki, who were excused.

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

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 4) was received and announced by the Clerk:

Sen. Com. No. 4, transmitting S.B. No. 232, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," which passed Third Reading in the Senate on January 28, 2011.

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

S.B. No. 232, SD 1

ORDER OF THE DAY

ANNOUNCEMENTS

Representative Awana: "Thank you, Mr. Speaker. I'd like to request that this Body stand for a moment of silence for Aunty Frenchy Desoto who passed away. To some she was unconventional, and to others controversial. To many, she was loved. And what I do know is that she will be truly missed.

"Her services are scheduled for Wednesday, February 2nd at 5 p.m., and also Thursday, February 3rd at 8 a.m. Thank you, Mr. Speaker."

Representative Riviere: "Thank you. I'd like to draw your attention to Representative Aaron Johanson who celebrated his birthday yesterday. I want everyone to wish him a happy birthday. Thank you."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Aunty Frenchy DeSoto.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

**H.R.
Nos.**

Referred to:

7	Committee on Judiciary, then to the Committee on Finance
8	Committee on Judiciary
9	Committee on Judiciary
10	Committee on Tourism, then to the Committee on Finance
11	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Legislative Management

12	Committee on International Affairs
13	Committee on International Affairs
14	Committee on Education, then to the Committee on Finance
15	Committee on Education, then to the Committee on Finance
16	Committee on Education, then to the Committee on Finance
17	Committee on Legislative Management
18	Committee on Legislative Management
19	Committee on Legislative Management, then to the Committee on Finance
20	Committee on Legislative Management
21	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
22	Committee on Transportation, then to the Committee on Health
23	Committee on Energy & Environmental Protection, then to the Committee on Finance
24	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
25	Committee on Water, Land, & Ocean Resources, then to the Committee on Public Safety & Military Affairs

**H.C.R.
Nos.**

Referred to:

4	Committee on Health
5	Committee on Human Services, then to the Committee on Judiciary
6	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
7	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
8	Committee on Tourism, then to the Committee on Finance
9	Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
10	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Legislative Management
11	Committee on International Affairs
12	Committee on International Affairs
13	Committee on Education, then to the Committee on Finance
14	Committee on Education, then to the Committee on Finance
15	Committee on Education, then to the Committee on Finance
16	Committee on Legislative Management

17	Committee on Legislative Management, then to the Committee on Finance	893	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
18	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	1210	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Judiciary
19	Committee on Transportation, then to the Committee on Health	1374	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection, then to the Committee on Finance
20	Committee on Culture & the Arts, then to the Committee on Legislative Management, then to the Committee on Finance	1375	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection, then to the Committee on Finance
21	Committee on Transportation, then to the Committee on Judiciary	1454	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection, then to the Committee on Finance
22	Committee on Water, Land, & Ocean Resources, then to the Committee on Public Safety & Military Affairs	1455	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection, then to the Committee on Finance
23	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance	1456	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
24	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management	1600	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
25	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management		
26	Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management		
27	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance		
28	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance		
29	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance		

ADJOURNMENT

At 12:14 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, Tuesday, February 1, 2011. (Representatives Carroll, McKelvey and Saiki were excused.)

S.B.
No.**Referred to:**

232, Committee on Judiciary
SD1

COMMITTEE REASSIGNMENTS

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

H.B.
Nos.**Re-referred to:**

70 Committee on Housing, then to the Committee on Finance

211 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

380 Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

430 Committee on Housing, then to the Committee on Finance

EIGHTH DAY

Tuesday, February 1, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:02 o'clock p.m., with the Speaker presiding.

The ecumenical invocation was delivered by Representative Mele Carroll, after which the Roll was called showing all Members present with the exception of Representative Chong, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 97 through 102) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 97, dated January 28, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1015, Making an Emergency Appropriation out of the Brownfields Cleanup Revolving Loan Fund, to allow for the necessary disbursement of these funds for fiscal year 2010-2011.

Gov. Msg. No. 98, dated January 28, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1034, Making Emergency Appropriations for Collective Bargaining Cost Items, to appropriate additional funds to provide employer contributions for health benefit plan premiums for fiscal year 2010-2011.

Gov. Msg. No. 99, dated January 28, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1059, Relating to the Budget, to appropriate additional positions and funds for staffing in the Office of the Governor, Office of the Lieutenant Governor, the Department of Business, Economic Development, and Tourism, the Department of Labor and Industrial Relations, and the Department of Public Safety for fiscal year 2010-2011.

Gov. Msg. No. 100, dated January 28, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1061, Relating to the Emergency and Budget Reserve Fund, which amends Act 191, Session Laws of Hawaii 2010.

Gov. Msg. No. 101, dated January 28, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1065, Making an Emergency Appropriation to the Department of Human Services for Health Care Payments, to address the budget shortfall for this program for fiscal year 2010-2011.

Gov. Msg. No. 102, dated January 28, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1066, Making Emergency Appropriations for the Department of Human Services, to appropriate funds for cash support, work program services and maintenance of effort contracts in the Department of Human Services for fiscal year 2010-2011.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 5) was received and announced by the Clerk:

Sen. Com. No. 5, transmitting S.B. No. 8, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on January 31, 2011.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bill passed First Reading by title and further action was deferred:

S.B. No. 8, SD 1

INTRODUCTIONS

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

Representative Carroll introduced members of Relativity Media LLC of Los Angeles, California, as well as Maui County staff and others:

Relativity Media, LLC

Mr. Ryan Kavanaugh, CEO, Relativity Media, LLC;
Mr. Ramon Wilson, EVP, Business Development;
Mr. Tom Foreman, CEO, Relativity Real;
Mr. Kenneth Halsband, President of Physical Production;
Mr. Tom Loftus, Sr. VP of Business & Legal Affairs;
Ms. Dawn Kealoha Darfus, Prod Finance Exec;
Mr. JP Pettinato, President, Utica Films;
Mr. Mathew Gasparich, Financial Analyst Business Development;
Ms. Rachel Schwartz, Coordinator, Physical Productions; and
Ms. Shannon Gaulding, Senior VP, Production.

Maui Administration

Mr. Keith Regan, Managing Director;
Mr. Herman Andaya, Chief of Staff; and
Mr. Jock Yamaguchi, Special Assistant to Mayor.

And Mr. Perry Artates, Operating Engineers, and Hawaiian Homes Commissioner.

Representative Ching introduced members of the Hawaii cacao industry:

Ms. Glynnis Rissmiller, Sweet Paradise Chocolatier;
Ms. Pamela Boyar Haleiwa and Hawaii Kai Farmers Markets;
Ms. Annie Suite, Haleiwa and Hawaii Kai Farmers Markets; and
Ms. Amy Hammond, Special Events Hawaii.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 26 through 28) and concurrent resolutions (H.C.R. Nos. 30 through 33) were referred to Printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-14.1(2) OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was jointly offered by Representatives Cabanilla, Mizuno, Pine, Chang, Chong and Ito.

H.R. No. 27, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO STUDY THE ISSUE OF FRATERNITY AND SORORITY HOUSE LOCATIONS," was offered by Representative Say.

H.R. No. 28, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM JANUARY 29 OF EVERY YEAR AS THOMAS PAINE DAY," was offered by Representative Say, by request.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-14.1(2) OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was jointly offered by Representatives Cabanilla, Pine, Chang, Chong, Ito and Mizuno.

H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO STUDY THE ISSUE OF FRATERNITY AND SORORITY HOUSE LOCATIONS," was offered by Representative Say.

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM JANUARY 29 OF EVERY YEAR AS THOMAS PAINE DAY," was offered by Representative Say, by request.

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR USE OF THE LIFE BED INTELLIGENT MEDICAL VIGILANCE SYSTEM," was offered by Representative Say.

ANNOUNCEMENTS

Representative Morikawa: "Mr. Speaker, being the senior freshman, I would like to thank you first of all, for your wisdom and encouragement, and I'd like to wish you a very happy birthday with many, many more to come."

Representative Ching: "Thank you, Mr. Speaker. Again, happy birthday. And I just wanted to announce the follow up to my earlier introduction and what is on your desk. Today, February 1st, does launch Hawaiian Cacao Month. The entire month of February, here in Hawaii.

"And what you have on your desk is a sample of some of the best chocolate. It's 100% grown in Hawaii. It's a promising ag industry. I think attached, you have a list of events, as well as 10 reasons why I believe this is probably one of the best crops we should support. So today is the beginning, as we kick off Hawaii-grown cacao month. Thank you."

Representative Ward: "Mr. Speaker, I have a pertinent media update on Egypt, if I may. The latest is that Egypt is still in chaos. Cairo is still burning with millions of people in the streets. And the great news is Hosni Mubarak has agreed to not run again, or his son not to run again. But the people are saying, 'We are not leaving until you step down.'

"So it's going to be fermenting, and Jordan has now picked it up, the protest. So the whole Islamic world is really catching this spark and there could be even worse."

"The problem being that if this really goes to where an Islamic republic results like in Iran, and the Straights of Suez become a blockade, and the oil that goes to the various parts of the world, i.e. our economy, etc., where it is three or four bucks a barrel. This could be having really big implications, as big as our budget deficit that we have, Mr. Speaker. So that's the latest, and it's pretty shaky. Thank you."

COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

S.B.
No.

Referred to:

8, Committee on Education, then to the Committee on Finance
SD1

COMMITTEE REASSIGNMENTS

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

H.B.
Nos.

Re-referred to:

279	Committee on Consumer Protection & Commerce
404	Committee on Finance
459	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
732	Committee on Human Services, then to the Committee on Finance
909	Committee on Human Services, then to the Committee on Judiciary
1409	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1536	Committee on Judiciary, then to the Committee on Finance

ADJOURNMENT

At 12:15 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, Wednesday, February 2, 2011.

NINTH DAY

Wednesday, February 2, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Representative Jerry L. Chang, after which the Roll was called showing all Members present with the exception of Representatives Souki and Wooley, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 103) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 103, dated February 1, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 838, Relating to Reapportionment, to appropriate moneys for the operation of the reapportionment commission for fiscal year 2010-2011.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 43 through 49) were received by the Clerk and were placed on file:

Dept. Com. No. 43, dated November 22, 2010, from Howard Todo, Vice President for Budget and Finance and Chief Financial Officer, University of Hawaii, transmitting the Biennium Operating and Capital Improvements Program (CIP) Budget Requests for Fiscal Year 2011-2013 as approved by the Board of Regents, pursuant to HRS Chapter 37-68.

Dept. Com. No. 44, dated January 19, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for FB 2011-13 Executive Budget for the Departments of Agriculture, Accounting and General Services, Attorney General, Commerce and Consumer Affairs, Hawaiian Home Lands, Human Resources Development, Public Safety, Taxation, and Transportation; The Hawaii State Public Library System; and the Office of the Lieutenant Governor.

Dept. Com. No. 45, dated December 20, 2010, from Louis M. Kealoha, Chief of Police, City and County of Honolulu, transmitting a letter to serve as the HPD's report to the legislature concerning electric guns and their use during the past year, pursuant to Section 134-16(d), Hawaii Revised Statutes.

Dept. Com. No. 46, dated December 20, 2010, from Louis M. Kealoha, Chief of Police, City and County of Honolulu, transmitting the 2010 annual report to the Legislature, which includes a summary of the facts, the nature of the misconduct for each incident which resulted in the suspension or discharge of a police officer, and the disciplinary action imposed; and indicated the number of police officers suspended and discharged during 2010 under certain Standards of Conduct: Malicious Use of Physical Force; Mistreatment of Prisoners; Use of Drugs and Narcotics; and Cowardice.

Dept. Com. No. 47, dated January 10, 2011, from Gary Yabuta, Chief of Police, County of Maui, transmitting a letter stating that, pursuant to Act 242, relating to Uniform Information Practices, during the calendar year 2010, the Department did not suspend any Police Officer for: Malicious use of physical force; Mistreatment of a prisoner/arrested person; Use and/or possession of drugs and/or narcotics; or Cowardice. Also transmitting a summary of all incidents and violations of Department Policies and Procedures which resulted in the suspension or discharge of

Police Officers during the Period from January 1, 2010 to December 31, 2010.

Dept. Com. No. 48, dated January 11, 2011, from Aaron S. Fujioka, State Procurement Office, transmitting an executive overview of the State Procurement Office's programs, services, issues and concerns.

Dept. Com. No. 49, dated January 7, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting Notification to the Legislature, pursuant to Section 37-46, HRS, Transfers from Non-General Funds to General Fund FY 11, December 16, 2010.

INTRODUCTIONS

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

Representative Chang introduced Hawaii Farm Bureau Federation Vice President, Mr. Chris Manfredi of the Ka'u Farm & Ranch, and the Hawaii Coffee Association.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1) recommending that H.B. No. 166, 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. 166, 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 with reservations, stating:

"Thank you, Mr. Speaker. I just want to note my reservations, or strong reservation on this bill that would raise the civil penalty amounts and additional criminal fines for violations of the Hawaii Occupational, Safety and Health Law. While the penalties are blank at this time, I do actually agree with the Director of Labor who urged caution in not making the penalties too high.

"In this economy when construction, along with tourism, is basically our top market to create jobs, I want to assure that we move cautiously with this bill so that we can ensure that the construction industry can continue to grow jobs for our community."

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

"Mr. Speaker, I stand in opposition to this bill. During the Committee hearings, we heard from a roofing contractor who said that if he received a \$70,000 fine, as what would be proposed in this legislation, that he would have to earn \$7 million in additional business in order to make up the fine because his profit margin is so slim. This is an anti-business bill and I'm against it. Thank you."

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

"Mr. Speaker, I rise in support. Thank you. I support this measure continuing on. This is Second Reading, and I want to make note in the Journal that the Committee that passed this out recognizes that workers' safety must remain paramount and notes that the last time penalties and fines were raised was approximately 18 years ago. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, I rise in opposition. As to the veracity of the amount of the fines, I know the small business community is saying that, 'We are fined left, right, front and center,' and in good sportsmanship and in worker safety, you don't kick somebody when they're down. And right now the construction and all these people this is going to affect, they're down already. They're hurting. They've got to get back up, and now we're going to penalize them. I think that's bad public policy and wrong timing. Thank you."

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

"Thank you, Mr. Speaker. A no vote for me please. And Mr. Speaker, I'd like to note, I think if we looked at what the state of the economy was 18 years ago, we'd find that it was in far better shape than it is today. So I think taking this step now is another signal to small businesses that maybe they just aren't going to be able to survive. Thank you."

Representative Evans rose to respond, stating:

"Thank you. Mr. Speaker, I just want to have additional comments and that is, businesses have nothing to fear if the workplace is safe. So this is basically to let people know that worker safety is really paramount. Thank you."

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

"I'm in support of the measure. Thank you, Mr. Speaker. I believe this raise, considering that the last raise was 18 years ago, that this amount is very modest. From \$5,000 to \$5,500; and the top amount, the most is from \$70,000 to \$77,000. So again, in consideration that this is the first raise after 18 years, that we are very conservative with this number."

Representative Ward rose to respond, stating:

"Just a brief rebuttal. To think \$77,000 doesn't mean a lot to a small business is trivializing the fact that the level, the ceiling is so high already. That can't be trivialized."

"Secondly, I think when we say that this is the worker's safety, it implies that the employer is out to get the worker and I think that's the wrong impression to have. That this is something that we ought have to keep these employers in line because they're going to endanger the workers. No employer wants to endanger a worker. The fines are sufficient the way they are and hopefully, the next Committee will look at in a balance way. Again, you don't kick people while they're down. Thank you."

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

Representative Pine rose in support of the measure with reservations 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, it is never a good time to raise fines that are already too high, as well as unreasonably enforced. And it adds insult to injury when such increases are imposed on businesses in this precarious economy – by a current system that, as testimony before the Committee noted, holds an employer liable when the workers disobey the employer's own HOSHL-compliant safety rules and forsaken the safety equipment and mandated safety training that the employer has provided. Further, as the House Labor Committee's own Standing Committee Report (No. 1) noted: 'Hawaii's economy is still recovering from the recent recession. The civil penalties and criminal fines imposed for violations of the HOSHL are paid

by businesses and may prove to be a hardship for them, especially small businesses."

"I of course, agree with the Majority Floor Leader's statement, 'that worker safety must remain paramount.' However, I think many would still legitimately question the wisdom of increasing these fines without any study demonstrating that higher fines do cause higher employer compliance and more worker safety. Since all that these fines do is increase the burden on our employers and our fragile economy -- without advancing this bill's avowed goal -- we should have voted down this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Fontaine, Marumoto, Thielen and Ward voting no, and with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 2) recommending that H.B. No. 174, 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. 174, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. No. 2, HB No. 174, just a footnote of reservation. It's good that they're going to increase the number of board members. This increases the ERS Board of Trustees from eight, to ten. If eight is dysfunctional because you've got a hung jury, how, please tell me, can you get ten that's going to make it functional."

"So let's go and be practical, logical. Let's make it seven, nine, eleven, or something that says this is not going to be locked up. So when this goes off to Finance, I hope the Chair of Finance will look at this in a practical way. These Boards have a job to do, but if we structure them to tie their hands and not make it logical, we're actually hindering us, hindering them, with the policy that we're passing here. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 3) recommending that H.B. No. 175, 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. 175, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 4) recommending that H.B. No. 268, 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. 268, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed

Second Reading and was referred to the Committee on Judiciary, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 5) recommending that H.B. No. 546, 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. 546, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 6) recommending that H.B. No. 777, 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. 777, 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:

"Mr. Speaker, I'm on Stand. Com. No. 6, with some reservations. I just want to note that if we take money from this particular Fund, that it could jeopardize federal funding. So hopefully the Finance Committee can find other funding sources to accomplish this task."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 777, entitled: "A BILL FOR AN ACT RELATING TO THE HEALTH FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 7) recommending that H.B. No. 740, 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. 740, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 8) recommending that H.B. No. 574, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 574, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," passed Second Reading and was referred to the Committee on Labor & Public Employment, with Representative Wooley being excused.

At 12:18 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 9) recommending that H.B. No. 768, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

768, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was recommitted to the Committee on Human Services, with Representative Wooley being excused.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
26	Committee on Transportation, then to the Committee on Judiciary
27	Committee on Higher Education, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
28	Committee on Culture & the Arts

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
30	Committee on Transportation, then to the Committee on Judiciary
31	Committee on Higher Education, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
32	Committee on Culture & the Arts
33	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management

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>
465	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
768, HD1	Committee on Human Services, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
853	Committee on Economic Revitalization & Business, then to the Committee on Finance
916	Committee on Transportation, then to the Committee on Finance
998	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1016, HD1	Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance
1545	Committee on Consumer Protection & Commerce

ADJOURNMENT

At 12:19 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 3, 2011. (Representative Wooley was excused.)

TENTH DAY

Thursday, February 3, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Pastor Max Fowler of the Good Shepherd Lutheran Church, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 104 through 122) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 104, dated January 12, 2011, transmitting the Report on the Expenditures for Chronic Disease Management and Control, prepared by the Department of Health pursuant to Act 162, Section 24, SLH 2009, as amended by Act 180, Section 28.1, SLH 2010.

Gov. Msg. No. 105, dated January 12, 2011, transmitting the Sanitation Branch Annual Audit for Fiscal Year 2010, prepared by the Department of Health pursuant to Chapter 321-27.5, HRS.

Gov. Msg. No. 106, dated January 12, 2011, transmitting the 2010 Annual Report for the Domestic Violence and Sexual Assault Special Fund, prepared by the Department of Health, Maternal and Child Health Branch, pursuant to Section 321-1.3, HRS.

Gov. Msg. No. 107, dated January 12, 2011, transmitting the 2010 Annual Report on Initiatives and Improvements in Kalaupapa Settlement, prepared by the Department of Health pursuant to Section 326-25.5, HRS.

Gov. Msg. No. 108, dated January 12, 2011, transmitting the 2010 Annual Report on Solid Waste Management, prepared by the Department of Health, Office of Solid Waste Management, pursuant to Section 342G-15, HRS.

Gov. Msg. No. 109, dated January 12, 2011, transmitting the 2010 Annual Financial Report for the Newborn Metabolic Screening Special Fund, prepared by the Department of Health, Newborn Metabolic Screening Program, pursuant to Section 321-291, HRS.

Gov. Msg. No. 110, dated January 12, 2011, transmitting the Report on Expenditures of the Special Fund to Support the Provision of the Early Intervention Program, prepared by the Department of Health, Early Intervention Section, pursuant to Act 162, SLH 2009.

Gov. Msg. No. 111, dated January 12, 2011, transmitting a Report on the Primary Care Incentive Program, prepared by the Department of Health pursuant to Section 321-1.5(6), HRS.

Gov. Msg. No. 112, dated January 12, 2011, transmitting the 2009-2010 Annual Report of the Disability and Communication Access Board, prepared by the Department of Health.

Gov. Msg. No. 113, dated January 12, 2011, transmitting a Report Regarding Services for Persons with Developmental Disabilities or Mental Retardation, Directing the Department of Health to Keep Waiting Lists of All Individuals Who are Eligible for Services and Supports, but for Whom Services and Supports have not been Provided, and the Reasons for the Lack of Services and Supports, prepared by the Department of Health pursuant to Chapter 333F, Section 6, HRS.

Gov. Msg. No. 114, dated January 12, 2011, transmitting a Report on the Status of the Environmental Health Education Fund, prepared by the Department of Health pursuant to Chapter 321-27, HRS.

Gov. Msg. No. 115, dated January 12, 2011, transmitting a Report on Funds Appropriated to Automate the Marriage Registration System, prepared by the Department of Health pursuant to Act 180, Part III, Section 34, SLH 2010.

Gov. Msg. No. 116, dated January 12, 2011, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Chapter 321H-4, HRS.

Gov. Msg. No. 117, dated January 12, 2011, transmitting the Report pursuant to Section 321-195, HRS, Requiring a Report on Implementation of the State Plan for Substance Abuse; Section 329-3, HRS, Requiring a Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances; Section 10 of Act 161, SLH 2002, Requiring a Status Report on the Coordination of Offender Substance Abuse Treatment Programs; and Section 29 of Act 40, SLH 2004, Requiring a Progress Report on the Substance Abuse Treatment Monitoring Program.

Gov. Msg. No. 118, dated January 12, 2011, transmitting the Report pursuant to Section 349-5(b)(2), HRS, Requiring the Executive Office on Aging to Provide an Annual Evaluation Report on Elder Programs.

Gov. Msg. No. 119, dated January 12, 2011, transmitting the Report pursuant to Chapters 128D and 128E, HRS, Requiring the Department of Health to Report Environmental Response Law and Hawaii Emergency Planning and Community Right to Know Act Financial and Environmental Site Information, FY 2010.

Gov. Msg. No. 120, dated January 18, 2011, transmitting a Report Relating to Early Education, prepared by the Department of Education pursuant to Act 183, SLH 2010.

Gov. Msg. No. 121, dated January 18, 2011, transmitting a Report Relating to Early Learning, prepared by the Department of Education pursuant to Act 14, SLH 2008, Special Session.

Gov. Msg. No. 122, dated January 19, 2011, transmitting a Report on the Emergency Appropriation for Natural Disasters, prepared by Hawaii State Civil Defense pursuant to Act 78, SLH 2007, and Act 76, SLH 2009.

INTRODUCTIONS

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

Representative Nakashima introduced the members of the Honoka'a Dragons Girls Basketball Team participating in the Girls High School State Basketball Tournament.

Team Members:

Ms. Demi Liu;
Ms. Yvonne Daniels;
Ms. Shamika Frazier;
Ms. Disa Wilson;
Ms. Precious Chong;
Ms. Chelsea Requelman;
Ms. Kasie Wilson;
Ms. Kalei Lum;
Ms. Dezlie Gibo;
Ms. Sheena Taei;
Ms. Sheana Jardine;
Ms. Jacielyn Huddy Mendoza; and
Ms. Alyssa Fujii.

Managers:

Ms. Kayla Requelman;
Ms. Gianni Balino;

Ms. Jasmine Castro; and
Ms. Shayla Ignacio.

Coaching Staff:
Mr. James Lukzen, Head Coach;
Ms. Tracie Balino, Assistant Coach; and
Ms. Kahea Schukert, Athletic Trainer.

Representative Chang introduced former Representative Jon Riki Karamatsu, and Ms. Trisha Nakamatsu of the City Department of the Prosecuting Attorney.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 10) recommending that H.B. No. 917, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 917, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 11) recommending that H.B. No. 538, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 538, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 12) recommending that H.B. No. 1016, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1016, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. Thank you. I am in the process of purchasing an electric vehicle. I should get the Nissan Leaf within a month," and the Chair ruled, "no conflict."

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

"Mr. Speaker. On Stand. Com. Rep. No. 12, I just needed to request a ruling on a potential conflict. My wife's firm works for Better Place Hawaii, which is putting together an electric car recharging station grid," 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. 1016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES," passed Second Reading and was referred to the Committee on Energy & Environmental Protection.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 13) recommending that H.B. No. 823, 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. 823, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 14) recommending that H.B. No. 833, pass Second Reading and be referred jointly to the Committee on Housing and the Committee on Health.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 833, pass Second Reading and be referred jointly to the Committee on Housing and the Committee on Health, seconded by Representative Evans.

Representative Choy 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.B. No. 833, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred jointly to the Committee on Housing and the Committee on Health.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 15) recommending that H.B. No. 84, 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. 84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 16) recommending that H.B. No. 371, 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. 371, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Choy 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.B. No. 371, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 17) recommending that H.B. No. 467, 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. 467, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

Representative Fontaine 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.B. No. 467, entitled: "A BILL FOR

AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Hanohano and Chang, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 18) recommending that H.B. No. 399, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 399, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with strong reservations on this bill. This bill adds \$200 million to our deficit; \$30 million per year, in addition to interest would start if it passes, last July. I stand in not denying that we owe OHA \$200 million, but the time to pay and this amount to pay at this time is not called for, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 399, entitled: "A BILL FOR AN ACT RELATING TO THE PORTION OF INCOME AND PROCEEDS FROM THE LANDS OF THE PUBLIC LAND TRUST FOR USE BY THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 19) recommending that H.B. No. 908, 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. 908, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 20) recommending that H.B. No. 951, 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. 951, pass Second Reading and 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, 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. 951, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 21) recommending that H.B. No. 1054, 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. 1054, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 22) recommending that H.B. No. 1055, 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. 1055, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

At 12:16 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 23) recommending that H.B. No. 1058, 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. 1058, 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 with reservations, stating:

"Mr. Speaker, I am standing in reservation of this measure. I object to using bond financing to purchase equipment."

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

"Mr. Speaker, I have the same reservations. In the same way we don't buy houses with credit cards, buying computers that are short range, with long range bond money, 30 years or plus for a computer that lasts a couple of years, that's probably not a good financing mechanism. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1058, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 24) recommending that H.B. No. 1015, 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. 1015, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 25) recommending that H.B. No. 855, 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. 855, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 26) recommending that H.B. No. 423, 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. 423, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 27) recommending that H.B. No. 325, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Transportation.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 28) recommending that H.B. No. 627, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 29) recommending that H.B. No. 1286, 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. 1286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC.," passed Second Reading and was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 29) and concurrent resolution (H.C.R. No. 34) were referred to Printing and further action was deferred:

H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi and Belatti.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives Takumi and Belatti.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. I have a few announcements today, if I may? First of all tomorrow is Celebrate National Wear Red Day. And I wanted to mention some of the facts associated with heart disease.

"Diseases of the heart are the nation's leading cause of death. Too many women die each year because they're unaware that heart disease is their number one killer. Nearly as many women die of heart disease than all four leading causes of death combined. February is designated as American Heart Month, and in Hawaii we are urging all citizens to show their support for women in the fight against heart disease by commemorating this day by wearing the color of red tomorrow, and increasing awareness, speaking up about heart disease, and empowering women to reduce their risk for cardiovascular disease.

"Segueing into something that is associated with the color red. Sorry, I don't have *li si* for you all today. It is, as we all know, it is Chinese New Year, the Year of the Rabbit. If I may, I would just like to share about the Year of the Rabbit.

"According to Chinese tradition, the rabbit brings a year where you can catch your breath, and calm your nerves, in contrast to last year's Year of the Tiger. It is a time for negotiation. Do not force issues, it says here, or

you will ultimately fail. It's a time for family, security and diplomacy. Make it a goal to create peaceful and safe lifestyles, and then you will calmly deal with any problem that arises.

"But not many people know that actually the rabbit is the symbol of the moon, which is the symbol of the female energy. Whereas the peacock, the symbol of the sun, is the male energy. But yet together these two animals create the health of life, the *ying*, the *yang*. And so with that they say, With white light and granting you fearlessness, have love, have courage. Take care of the women in your life, and take care of your family.

"So with that, I just wanted to mention *Kung Hee Fat Choy. San Nian Faai Lok. San Tain Kin Hong.*"

Representative Ward: "Mr. Speaker, I wanted to thank, as an honorary member of the Chinese Caucus or the Chinese Coalition, I wanted to thank the purveyor of this gift that's on all of our desks, Speaker Say. And wish everyone a *Kung Hee Fat Choy.*"

ADJOURNMENT

At 12:22 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, Friday, January 4, 2011. (Representative Chang was excused.)

ELEVENTH DAY

Friday, February 4, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Representative Denny Coffman, after which the Roll was called showing all Members present.

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

INTRODUCTIONS

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

Representative Rhoads introduced a leader in the Chinatown community and Downtown Neighborhood Board member, Mr. Stanford Yuen.

Representative Cabanilla introduced Rear Admiral Dixon R. Smith, Commander, Navy Region Hawaii, and his wife, Mrs. Kiki Smith.

Representative Cabanilla also recognized Mr. Stanford Yuen, and commended him for his dedication to the Chinatown community and thanked him for his many years of service to the federal government and the US Navy.

Representatives Pine thanked Mr. Yuen, Rear Admiral Dixon and Mrs. Dixon for all they do for military families.

Representative Ching also thanked Mr. Yuen and the military community.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 30) recommending that H.B. No. 397, 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. 397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 31) recommending that H.B. No. 1081, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1081, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. Mr. Speaker, I originally voted with reservations on this measure because I was concerned about whether or not this bill would allow an industrial park to be used for a landfill. I received a response which satisfied my concern and I am now voting up.

"I would like to just read into the Journal the response from Russell Y. Tsuji, Administrator, Department of Land and Natural Resources, and I

quote, 'Since landfills are a county function, DLNR does not have any intention of leasing lands under the industrial parks statute for landfill operations.' Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1081, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL PARKS ON PUBLIC LANDS," passed Second Reading and was referred to the Committee on Economic Revitalization & Business, with Representative Cabanilla being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 32) recommending that H.B. No. 1255, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1255, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Higher Education, with Representative Cabanilla being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 33) recommending that H.B. No. 956, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 956, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Tourism, with Representative Cabanilla being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 34) recommending that H.B. No. 26, 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. 26, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFANT AND TODDLER CHILD CARE CENTERS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 35) recommending that H.B. No. 94, as amended in HD 1, pass Second Reading and 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.B. No. 94, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE PROGRAMS," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Cabanilla being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 36) recommending that H.B. No. 684, 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. 684, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 37) recommending that H.B. No.

726, 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. 726, 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 with reservations, stating:

"With reservations on this, Mr. Speaker, and a couple comments. What this bill does is it gives children in the foster care system the option to remain under the jurisdiction of the Family Court system even after the age of 18, until they turn 21. I really appreciate the intent of the bill. I think in listening to the testimony what concerned me more was that while the intent was to make sure that our foster children are prepared for the transition to adulthood, we in fact are extending it even further.

"And so that tells something to me, that perhaps we're not focusing on the correct issue and that we need to do a better job preparing our foster children at an even earlier age. I'm happy that this bill does kind of move it back a little bit, two years, but I really hope that we can prepare them by 18, because at 18, they can go off to war and fight for their country. They can make that decision and we should allow them to make other decisions for themselves as well."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 726, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Second Reading and was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 38) recommending that H.B. No. 290, 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. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 39) recommending that H.B. No. 1176, as amended in HD 1, be recommitted to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TRANSMISSION CABLE," was recommitted to the Committee on Energy & Environmental Protection, with Representative Cabanilla being excused.

ANNOUNCEMENTS

Representative Cabanilla: "Thank you, Mr. Speaker. Today is a very special day for the Filipino Caucus. We're going to have picture taking right after this session. And briefly I would like to explain to you what these outfits are made of, or what they're for. It's the equivalent of a formal attire for the Filipinos. It's something that we wear during weddings, and for the Filipino Congress this is the attire. This is formal attire for them. It's made of pineapple fiber so there's some correlation with Hawaii.

"The other announcement I would like to make is that we're cancelling the Filipino Caucus meeting today because there's no update. Thank you."

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolution (H.C.R. No. 35) was referred to Printing and further action was deferred:

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATURE CONVENE AN INFORMATIONAL PUBLIC HEARING TO EVALUATE THE FEASIBILITY OF ESTABLISHING NEW AND SEPARATE BARGAINING UNITS FOR HAWAII HEALTH SYSTEMS CORPORATION EMPLOYEES AND ALLOWING THE CORPORATION TO ENTER INTO ITS OWN COLLECTIVE BARGAINING AGREEMENTS WITH THESE UNITS," was offered by Representative Say.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. No.

Referred to:

29 Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance

H.C.R. Nos.

Referred to:

34 Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance

35 Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B. No.

Re-referred to:

1176, HD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

ADJOURNMENT

At 12:23 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, February 7, 2011.

TWELFTH DAY

Monday, February 7, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with the Speaker presiding.

The ecumenical invocation was delivered by Father Arnel Soriano of Saint Joseph Church, Waipahu, after which the Roll was called showing all Members present with the exception of Representatives Brower, Ito and McKelvey, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 123) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 123, dated January 26, 2011, transmitting the Annual Evaluation of the Hawaii Unemployment Compensation Fund for fiscal year ending June 30, 2010, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-126.5, HRS, and Act 110, SLH 2007.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 6) was received and announced by the Clerk:

Sen. Com. No. 6, transmitting S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on February 4, 2011.

Representative B. Oshiro moved that S.C.R. No. 27, be Adopted, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of this Resolution. Thank you. This year marks the 70th anniversary of the attack of Pearl Harbor, the event that led America's entry to World War II. Ten years ago, another attack in New York, Washington DC, and Pennsylvania brought our nation to our knees. Each of us can recall vividly the events in the early morning on September 11, 2001. What happened on that fateful day would shake the foundation of our country and would instantly change the future for our children.

"As a newly commissioned officer in the Hawaii Army National Guard, I knew that my life would forever be changed on that day. The question was no longer if we would go, but when we would go. So when the 29th Brigade Combat Team and the 100th Battalion were deployed in 2004 for the first time since the Vietnam War, we needed to do something and we did.

"In 2005 the Legislature passed Act 21 establishing the Hawaii Medal of Honor. I recalled thinking how we as a state and as the Hawaii State Legislature needed to support the families of our fallen heroes. The Hawaii Medal of Honor was our way of expressing our deepest appreciation to these brave servicemen and women. The magnitude of our decision to create the Hawaii Medal of Honor didn't hit me until I received the call on July 5th, 2005, summoning me to the National Guard headquarters to be the casualty assistance officer for the family of Sgt. Deyson Cariaga who at a very young age of 20 was killed when an improvised explosive device detonated near the humvee he was driving during a patrol in Balad, Iraq.

"As the introducer of the bill that created the Medal, I don't think I fully understood the profound meaning of this medal until I met with Sgt. Cariaga's family. The Hawaii Medal of Honor was not just the medal, but it represents a fallen hero, a family shattered by events half a world away. The Hawaii Medal of Honor is bestowed on those who have touched our islands and have felt the touch of our people. The Medal symbolizes our aloha to those that we have lost. Following our lead, the State of Alaska and the State of New Hampshire both present similar awards to their fallen heroes.

"It has been almost eight years since the War on Terrorism began. Between March 29, 2003 and December 31, 2010 we in Hawaii have lost 284 service members. Today we formally induct 16 service members onto the roll of the Hawaii Medal of Honor. All 16 gave their lives for our freedom in 2010. This year, the Hawaii Medal of Honor will be awarded to family members of these fine men and women at a ceremony held during a Joint Session of the Legislature on Tuesday March 29, 2011 at 2 p.m. in the Senate Chambers. Families will be invited from towns like Bowling Green, Kentucky; Decatur, Indiana; Jonesborough, Louisiana; and Palmyra, New Jersey.

"In offering the Medal of Honor to those who will gather here in memory of those who have fallen, we recognize that they are part of us, part of our *ohana*. The Medal guarantees that they will never be forgotten. I hope that the children of these heroes will one day appreciate the sacrifice that their fathers and their mothers made on behalf of all of us.

"While this Medal can't take away the pain of losing a loved one, it shows that Hawaii will never forget them. Wherever each of these Medals finds its final home, a piece of our hearts goes with it. We truly appreciate what they did for us as Americans so our way of life can continue. I urge passage of Senate Concurrent Resolution No. 27. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. Mr. Speaker, this is probably one of the best pieces of legislation, one of the best gifts, gestures, a substantive way of reaching out to the military that we have. I would ask that the previous speaker's comments be inserted into the Journal as my own, except substitute Iraq Vet, for Vietnam Vet, and for everyone to be encouraged to vote for this. Thank you."

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

"Mr. Speaker, I rise in strong support of this measure. On behalf of my colleagues, as well as the colleagues of Major Takai and I, I think that this is very notable legislation that we pass every year to recognize these individuals. It's the least we can do as a State and as a Body, to recognize these people, these soldiers who paid the ultimate sacrifice.

"I think that we as a Body do not have any problem passing this Resolution. I would like to applaud Major Takai for sponsoring this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.C.R. No. 27, was Adopted.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 50) was received by the Clerk and was placed on file:

Dept. Com. No. 50, dated January 27, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for the FB 2011-13 Executive Budget for the Department of Budget and Finance and the Office of the Governor.

INTRODUCTIONS

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

Representative Cullen introduced members of his family and friends from St. Joseph Church in Waipahu:

Mother, Mrs. Loretta Cullen;
Brothers, Mr. Troy Cullen and Mr. Shawn Cullen;
Sister, Ms. Rustell Cullen-Utu and her husband, Mr. Ho'ona Utu;
Aunts, Ms. Thelma Lancaster and Ms. Sally Oshiro; and
Cousins, Ms. Karena Yockman and Ms. Liane Miwa.

St. Joseph Church:
Father Arnel Soriano; Sister Jerome Emma Perlas; and Auntie Aurelia Rumbaoa.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 40) recommending that H.B. No. 1366, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 41) recommending that H.B. No. 1517, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 1366, HD 1, pass Second Reading and be referred to the Committee on Finance; and that H.B. No. 1517, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker. On Stand. Com. Rep. No. 40, I would like a ruling on a potential conflict caused by my pending appointment and confirmation as Chair of the Public Utilities Commission. I also want to note that the Committee action on this measure happened on February 1st, prior to the appointment and announcement by the Governor."

The Chair responded, stating:

"You will be excused for Stand. Com. Rep. Nos. 40 and 41."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 1366, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representative Morita being excused; and

H.B. No. 1517, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Morita being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 42) recommending that H.B. No. 444, 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. 444, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Mr. Speaker, I just need to request a ruling on a potential conflict. One of my wife's clients is Better Place Hawaii that is trying to put together a network of electrical vehicle charging stations," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I rise in support with reservations. Mr. Speaker, I do realize this bill will be going on to Finance and I just want to make it clear, I absolutely agree with the intent. It is a laudable intent as the mission of our State is to move off of fossil fuels. My concern however, is the impact to the State Highway Fund given the fact that I believe at last count, we're at \$30 million, and given the fact that we currently still get federal funding. For every dollar we provide in State funding, the feds pay 80%. So this is critical for our road projects and infrastructure projects.

"So the Chair of Committee did in fact note in the Committee hearing that it had a minimal impact to the State Highway Fund, but at the end of the day, I still strongly believe that anything that impacts or takes away funding from the State Highway Fund should be heeded cautiously. Thank you, Mr. Speaker."

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

Representative Brower 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.B. No. 444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 43) recommending that H.B. No. 803, 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. 803, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I'll be voting in opposition to Stand. Com. Rep. No. 43, House Bill 803, Relating to Taxation, which would require \$2 million from the banks to be moved into the Compliance Resolution Fund. I note that the DCCA, the Department of Commerce and Consumer Affairs testified in opposition to this measure. Thank you."

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

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

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

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

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

Representative Fontaine 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.B. No. 803, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Marumoto and Ward voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 44) recommending that H.B. No. 802, 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. 802, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

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

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

Representative Fontaine 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.B. No. 802, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Marumoto, Thielen and Ward voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 45) recommending that H.B. No. 139, 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. 139, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 46) recommending that H.B. No. 110, 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. 110, entitled: "A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 47) recommending that H.B. No.

760, as amended in HD 1, pass Second Reading and 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.B. No. 760, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 48) recommending that H.B. No. 1005, 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. 1005, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 49) recommending that H.B. No. 1064, 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. 1064, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 50) recommending that H.B. No. 1231, 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. 1231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATION," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 51) recommending that H.B. No. 810, 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. 810, HD 1, pass Second Reading and 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, 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. 810, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives McKelvey and Souki, for the Committee on Economic Revitalization & Business and the Committee on Transportation presented a report (Stand. Com. Rep. No. 52) recommending that H.B. No. 260, 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. 260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance.

Representatives McKelvey and Awana, for the Committee on Economic Revitalization & Business and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 53) recommending that H.B. No.

105, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 105, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations on this measure. Just a very brief comment. This is in regards to the every two year audit of our Beijing Office of DBEDT. As we all know, DBEDT through this Office just arranged the first-ever direct flight from Beijing to Honolulu. In fact, they came a week from last Sunday. The future of tourism, Mr. Speaker, is China.

"The Office cost is \$100,000. The audit is going to cost about \$25,000. Mr. Speaker, we know that there's such a thing as going forward, but then we are going backwards. I think if we're going to spend \$25,000 for an audit, maybe let's make it every five years because it doesn't seem to pan out in terms of the numbers. So I would suggest the next Committee, which I think this goes is Finance, that we seriously consider not spending 25% of a yearly budget on an audit."

The Chair addressed Representative Ward, stating:

"It's being referred to the Legislative Management Committee, the next Committee, Representative Ward."

Representative Ward: "Legislative Management Committee, on which I sit. Thank you, Mr. Speaker."

Representative Ching 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 Committees was adopted and H.B. No. 105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 54) recommending that H.B. No. 1239, 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. 1239, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you very much, Mr. Speaker. I do stand in support of this measure. However, I do have some reservations as the bill is currently drafted. As my record has shown I have always been supportive of the ferry system, particularly when you come from an area where three islands are connected by a ferry system, it is important. What concerns me with the measure right now is, it would have the State come in and set up and run ferry systems all over the islands.

"What concerns me and my constituents is that this would wipe out Expeditions, which is an existing ferry company that's been doing great work for the people of West Maui and Lanai. I'm hopeful though that the next Committee will look at this, and there is the special fund which is a very good thing. But I think that perhaps the next Committee could look at amending this measure so that private companies that are already fulfilling this role will not be replaced and could avail themselves of the special fund to help cut down operating costs, which of course means lower prices for goods and services between Lanai and Lahaina, as well as in other places. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. I rise in opposition to this legislation. Not that I'm against us having a ferry in Hawaii. I think that's a good thing. I'm just against the fact that the government will be expanded in order to do this. That it will become a much greater expansion of government in order to run this.

"Also we heard testimony during the Committee hearing that the Department of Transportation really doesn't want to do this. They don't have the expertise in running a ferry system and that would be a big learning curve and it would be very expensive. Thank you."

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

"Mahalo ho'omalu 'olelo kane. E kako'o nei au kēia pila me ke kanalua. Makemake au e ho'okomo ko'u mana'o i loko ka puke hale maka'ainana no kēia pila. Mahalo."

Representative Hanohano provided the following translation:

Thank you, Mr. Speaker. I support this bill. I wish to submit my thoughts in the House Journal for this bill. Thank you.

Representative Hanohano's written remarks are as follows:

"Ho'omalu 'olelo kane, 'o kēia pila ua hō'ole ka po'o no kēia 'aha'olelo no ke kōmike Hawai'i no ka lohe 'ana. 'O kēia pila e pili ana nā mea Hawai'i. Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker, Leadership denied the Committee on Hawaiian Affairs a hearing on this bill. This bill pertains to Hawaiian issues. Thank you.

Representative Souki rose, stating:

"Yes, Mr. Speaker, inasmuch as my signature is on this bill, I would wish to know what the good Representative was saying in her native language. Will you please say it in English so I may understand and defend my bill. Otherwise, I cannot defend my bill, madam."

Representative Hanohano rose to respond, stating:

"Mahalo, Mr. Speaker. All I said was that I support this bill, but I just wanted to insert comments to the Journal."

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

"Yes, Mr. Speaker. I thought that the Representative was saying we should go back to the days of canoes to connect to the islands. Well, I don't know if we're quite ready for that. But Mr. Speaker, in rebuttal to what has been mentioned so far. I think the Members should be aware that over 80% of the population of Hawaii wants a ferry, and needs a ferry.

"Farmers support a ferry so that they can move their produce throughout the islands. If you want to have a sustainable agricultural economy, you need something like the ferry to move the food from Molokai and Lanai, to the central areas of Honolulu, or wherever it may be. You need that. We're a state that's surrounded by water. The only connection is by air or boat and we all know that the price of air is exorbitantly high.

"And in regard to Lahaina, I don't believe they would want to have this interisland. I think they want to go to the main islands, and not go between Molokai and Lanai. I hope that kind of dispels your concern. Tell my good friends in Lahaina that it is not the intent of the ferry to meddle in Lahaina's business. Thank you, very much."

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

"Thank you, Mr. Speaker. I rise in support with reservations. I agree with the former speaker in the support of agriculture. We had the honor of visiting farmers with the Chair of Ag on the Neighbor Islands, and they were so clear about needing a ferry. Of course this was a couple years ago. But they need a ferry to be able to bring their products to market. So when we support ag, we probably want to support a ferry.

"I just do agree also with the Representative from South Maui that to expand it as a government ferry. We wonder if it's not best put into private hands. So I ask that the words of the Representative of South Maui be entered as my 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. 1239, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Second Reading and was referred to the Committee on Finance, with Representative Fontaine voting no.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 55) recommending that H.B. No. 1020, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1020, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

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

"Mahalo ho'omalu 'olelo kane. E kako'o nei au kēia pila me ke kanalua. Makemake au e ho'okomo ko'u mana'o i loko ka puke hale maka'ainana no kēia pila. Mahalo."

Representative Hanohano provided the following translation:

Thank you Mr. Speaker. I support this bill with reservations. I wish to submit my thoughts in the House Journal for this bill. Thank you.

Representative Hanohano's written remarks are as follows:

"O kēia pila ua ha'awi'ole kēia 'aha'olelo no ke kōmike Hawai'i 'o ka 'aina a me ka awa kū moku 'oia nō ke kuleana no ke kōmike Hawai'i. Mahalo."

Representative Hanohano provided the following translation:

Mr. Speaker. Leadership denied the Committee on Hawaiian Affairs this bill. The land and the harbors are the jurisdiction for the Hawaiian Affairs Committee. Thank you.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1020, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 56) recommending that H.B. No. 1012, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1012, HD 1, pass Second Reading and be

referred to the Committee on Public Safety & Military Affairs, seconded by Representative Evans.

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

"Yes Mr. Speaker, I just want to note my support with a little bit of reservations. What Stand. Com. Rep. No. 56 does is it appropriates a minimum of \$2.28 million for security planning for the APEC Conference. I'm a big supporter of the APEC Conference. I believe this is going to be just what our economy needs to provide more jobs and to stimulate the economy and provide business with the opportunity to perhaps enter into new trade agreements with other countries.

"However, I'm starting to get a little concerned that I'm starting to see a lot of the funding bills come through the House of Representatives. Currently there is about \$21 million in National Security Special Events funds to be given to us, to HPD, for this type of planning. And so while we are very excited about APEC, I think we should work very closely with the Governor and the Lt. Governor who has been assigned to maximize our federal funding for the State of Hawaii. So as we finalize our decision on funding the different APEC events, let's first make sure that federal funds are allocated before we spend State funds."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs.

Representatives Nishimoto and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 57) recommending that H.B. No. 1338, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1338, entitled: "A BILL FOR AN ACT RELATED TO THE ECONOMY," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 58) recommending that H.B. No. 1090, 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. 1090, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 243, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 59) recommending that H.B. No. 1095, 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. 1095, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 59, Mr. Speaker. I rise to speak in support of this measure and I commend the Chair for putting an age restriction on people who are passengers on mopeds. They raised the age to be a passenger to be over 12, and this is commendable. To make it parallel with the pickup truck bill however, that one restricts children under 13 from riding in pickup truck beds. So I would urge that this be amended in the next Committee to restrict under 13 as well.

"I do hope the Transportation Chair considers age restrictions on all-terrain vehicles, ATVs, also called off-road vehicles because right now any age can drive them. Any age can be passengers. And they're extremely dangerous. Recently on the Big Island, a 16 year old girl was driving an ATV. Her passengers were her two younger sisters. The 16 year old girl was killed in that accident. The 11 year old was critically injured and flown to Queen's Hospital. The youngest one was treated on the Big Island. So I would caution all of you to allow children to ride in all sorts of vehicles. They could be very dangerous. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 60) recommending that H.B. No. 395, pass Second Reading and be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 395, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

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

"Mr. Speaker, I rise with mild reservations. Mr. Speaker, this bill gives free tuition to all Hawaiians through the University of Hawaii System. It's a good bill. It's a necessary bill. In fact, we might get some translations of those in this Body who will be able to understand, like the Representative from the Big Island.

"My point of standing and expressing reservations is that if we really want to give the Hawaiians a break, which is very necessary, very important. If we say 100%, we're going to attract unnecessary lawsuits. My suggestion is to the next Committee, which this goes to Higher Ed, is that a means test by which usually all things have a means test. If you're under a certain income, you qualify. But this one is across the board, all the people, all the time. And I think, Mr. Speaker, it's going to probably torpedo it. My suggestion is they put a means into it so it can survive, and it can benefit the Hawaiian community. Thank you."

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

"I just want to note my reservations for different reasons. As the previous speaker stated, this would grant tuition waivers to all Hawaiian students at the University of Hawaii. My reason is more because I have concern of the unintended consequences.

"Mr. Speaker, I am blessed to be the result of a mixed marriage. Through that mixed marriage, my family has witnessed lots of racism; reverse racism, as well as racism against the brown side of our family. When I went to UC Berkeley, it was the height of where certain students, according to what color your skin was, or who you were born to, you had privileges that other students didn't have. Some were also given free tuition just because of the color of their skin. And what I witnessed just at UC Berkeley through this practice was that a new reverse discrimination occurred. My friends who I started there with that were never racist against this particular person of color, left UC Berkeley racist, more than they ever were before.

"It is my hope that when I eventually have kids, that here in the State of Hawaii where we are mixed with so many cultures and religions, and people from all over the world, that we would truly one day get to that point that Martin Luther King talked about, where we will truly be judged by the content of our character, and not by the color of our skin. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 395, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS IN THE UNIVERSITY

OF HAWAII SYSTEM," passed Second Reading and was referred to the Committee on Higher Education.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 61) recommending that H.B. No. 696, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 696, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 62) recommending that H.B. No. 1344, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Health.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 63) recommending that H.B. No. 1483, pass Second Reading and be referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1483, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 64) recommending that H.B. No. 895, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 895, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AGENCIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 65) recommending that H.B. No. 922, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 66) recommending that H.B. No. 1224, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1224, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 67) recommending

that H.B. No. 402, pass Second Reading and be referred jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 402, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 68) recommending that H.B. No. 247, 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. 247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVOLUNTARY HOSPITALIZATION," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 69) recommending that H.B. No. 409, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 409, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? I own a company that brokers health insurance," 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. 409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 70) recommending that H.B. No. 594, 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. 594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 71) recommending that H.B. No. 129, 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. 129, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I'd like to speak in favor of Stand. Com. Report No. 71. And my apologies because I may not get to speak to this bill again. The Perinatal Addiction Treatment of Hawaii Clinic was established in 2006 to help address community and legislative concerns about the lack of effective intervention with pregnant, substance-using women in Hawaii. Rather than

locking these women up and putting their children in State custody, it was proposed at that time by Dr. Tricia Wright, PATH Clinic founder and medical director, that more effective and medically-appropriate ways to address this troubling issue was to treat these women in a respectful and humane medical manner that addressed the many health related needs of these women and their infants and children.

"Four years later, the PATH Clinic has proven itself to be perhaps the most cost effective treatment in the country for substance using pregnant women. Over 94% of women delivering via the PATH Clinic are non-substance using at the time of their baby's birth, and over 95% women retain custody of their infants 8 weeks after delivery, saving the State further cost for child protection and care. PATH also acts as the bridge to treatment for many of their clients who have been unwilling or unable to access substance abuse treatment prior to their PATH experience.

"The array of services developed by the small and modest, but surprisingly comprehensive PATH Clinic provides the women with the support and skills they need in order to be successful mothers and productive adults. The medical cost of caring for one very low birth-weight infant post delivery in Hawaii can be thousands and thousands and thousands of dollars which PATH has more than saved yearly over the past four years of its operation. Please indicate your support for the work of this clinic by voting for this bill. 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. 129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 72) recommending that H.B. No. 691, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 691, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," passed Second Reading and was referred to the Committee on Education.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 73) recommending that H.B. No. 598, 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. 598, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY ON-CALL PHYSICIANS," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 74) recommending that H.B. No. 484, 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. 484, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 75) recommending that H.B. No. 613, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 613, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I have the same request as before for a ruling on a potential conflict," 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. 613, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 76) recommending that H.B. No. 507, 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. 507, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 77) recommending that H.B. No. 772, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," was recommitted to the Committee on Human Services.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 78) recommending that H.B. No. 258, 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 Committee be adopted, and that H.B. No. 258, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

The Chair then addressed Representative Cullen, stating:

"Representative Cullen, what is the motion before this Body?"

Representative Cullen: "Stand. Com. Rep. No. 78, to adopt."

Speaker Say: "It is to be pass Second Reading and be placed on the calendar for Third Reading. So you will all have a chance to vote on this on Third Reading."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading, with Representative Saiki being excused.

ANNOUNCEMENTS

Representative Yamane: "Thank you, Mr. Speaker. On behalf of Representative Mizuno, Senator Green, Ohana Health Plans and myself, we would like to let people know that today, between 12 noon and 4:30 p.m. in Room 423, there will be free screening for kidney disease and blood pressure, and other services. So we would like everyone, if you have the time, to please go to Room 423 to get your kidneys checked and please support those worthy organizations. 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>
466	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
608	Committee on Health, then to the Committee on Finance
772, HD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

ADJOURNMENT

At 12:42 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, Tuesday, February 8, 2011. (Representative Saiki was excused.)

THIRTEENTH DAY

Tuesday, February 8, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:10 o'clock p.m., with Vice Speaker Manahan presiding.

The ecumenical invocation was delivered by Representative George R. Fontaine, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 124) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 124, dated January 27, 2011, transmitting the FY 2009-2010 Hawaii Coastal Zone Management Annual Report, prepared by Department of Business, Economic Development & Tourism, Office of Planning, pursuant to Section 205A-3(10), HRS.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 51 and 52) were received by the Clerk and were placed on file:

Dept. Com. No. 51, dated February 3, 2011, from Scott T. Nago, Chief Election Officer, Office of Elections, transmitting the Report to the Legislature in accordance with Sections 52, 53, and 55 of Act 162, SLH 2009.

Dept. Com. No. 52, dated January 27, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Department of Education's request for approval to expend additional federal ARRA-School Improvement Grant "V" finds for the EDN 100 – School Based Budgeting, by \$9,312,839, pursuant to Section 107 of Act 162, SLH 2009.

INTRODUCTIONS

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

Representative Cullen introduced Honolulu City Council Chair, Nestor Garcia, and Council staff, Mr. Mark Segami.

Representative Marumoto introduced the 5th grade students of Kaimuki Christian School and their teachers, Ms. Chau Sachs and Ms. Amy Voll; and chaperones, Mr. Vern Yamaguchi, Ms. Masako Lieu, and Ms. Veronica Ohashi.

Representative Ching introduced the 5th grade students of Cathedral School and their teacher, Mr. Joe Henderson.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 79) recommending that H.B. No. 55, 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. 55, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A

COLLEGE SAVINGS PROGRAM TAX CREDIT," passed Second Reading and was referred to the Committee on Finance.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 80) recommending that H.B. No. 830, 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. 830, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Second Reading and was referred to the Committee on Finance.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 81) recommending that H.B. No. 1329, as amended in HD 1, pass Second Reading and 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.B. No. 1329, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 82) recommending that H.B. No. 1442, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1442, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 83) recommending that H.B. No. 1457, 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. 1457, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 84) recommending that H.B. No. 1555, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 85) recommending that H.B. No. 338, 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. 338, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 86) recommending that H.B. No. 339, 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. 339, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen 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. 339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 87) recommending that H.B. No. 625, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 88) recommending that H.B. No. 688, 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. 688, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 89) recommending that H.B. No. 773, 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. 773, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 90) recommending that H.B. No. 1213, 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. 1213, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 91) recommending that H.B. No. 1313, 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. 1313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY," passed Second Reading and was referred to the Committee on Finance.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 92) recommending that H.B. No. 953, 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. 953, 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:

"Yes, with reservations, Mr. Speaker. Basically what Stand. Com. Rep. No. 92 does is it focuses on pay raises for our top executives in the Department of Education. While that certainly is a worthy cause, I think perhaps at this time with our funding level the way it is, that we should be focusing on putting money into the classrooms, to our kids, and doing everything that we can to increase their ability to compete not just statewide, but nationwide and worldwide."

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

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

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

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

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

"Mr. Speaker, one footnote with reservations. My understanding is this puts the Deputy Director of the Superintendent of Schools, on par with the Superintendent. I don't think in any organization you have, for example the Lt. Governor having a salary comparable to the Governor.

"I mean, not that we need a pecking order, but generally the ceilings are not similar. Whereas this bill is such, if I understand it correctly, which is a little bit unorthodox. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 953, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 93) recommending that H.B. No. 1056, 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. 1056, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Second Reading and was referred to the Committee on Finance.

Representatives Takumi and Rhoads, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 94) recommending that H.B. No. 1540, 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. 1540, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 95) recommending that H.B. No. 865, 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. 865, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

Representative Ward 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.B. No. 865, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 96) recommending that H.B. No. 1185, 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. 1185, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 97) recommending that H.B. No. 1248, 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. 1248, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance.

Representatives Tsuji and Chang, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 98) recommending that H.B. No. 868, 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. 868, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen 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 report of the Committees was adopted and H.B. No. 868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance.

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. 99) recommending that H.B. No. 341, 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 Committees be adopted, and that H.B. No. 341, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"I'm voting with reservations on this measure. This should be part of collective bargaining. I can see that we could go down a path that could really be rife with abuse on this measure."

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

Representative Johanson 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 Committees was adopted and H.B. No. 341, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary.

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. 100) recommending that H.B. No. 463, 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 Committees be adopted, and that H.B. No. 463, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

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

Representative Fontaine 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 Committees was adopted and H.B. No. 463, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

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. 101) recommending that H.B. No. 464, 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 Committees be adopted, and that H.B. No. 464, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 464, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed

Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 102) recommending that H.B. No. 558, 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. 558, entitled: "A BILL FOR AN ACT RELATING TO WAGES, HOURS, AND WORKING CONDITIONS OF EMPLOYEES OF CONTRACTORS PERFORMING SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 103) recommending that H.B. No. 587, 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. 587, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 104) recommending that H.B. No. 1100, 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. 1100, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 105) recommending that H.B. No. 1097, 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. 1097, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I still am very uncomfortable with this bill. It was going to be a temporary surcharge tax and I don't know if this Body ever lets a temporary tax expire so I have reservations. This is another example of this ..."

Representative Takai rose, stating:

"Point of information, Mr. Speaker. What is the speaker's position on this?"

Representative Thielen continued, stating:

"With reservations, I said. This is another instance where we have a temporary tax becoming permanent and I think it's going to hurt the local people. Visitors from other areas will pay it, but the local people will be hit when they go to the Neighbor Islands. It's expensive enough to do that without a super ferry. Thank you."

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

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

"I also have reservations. This fee not only impacts tourists and families from the Neighbor Islands that come and travel here, but it also impacts

Neighbor Island businesses as well that need to come to Honolulu to conduct business. So I have my reservations. Thank you."

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

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

"Mr. Speaker, one comment with reservations. Mr. Speaker, I voted against this bill many times for many years, and because we are now coming out of a recession and recovering, the best industry that's recovering is the visitor industry. This directly impacts them and it would always be to our benefit to keep that visitor industry growing. I'm afraid this may be a damper.

"Before you even get in the car, or get the keys, or sign the contract, it's \$7 a day with the improvement fund, facilities fund, the GE Tax, and this surcharge. Like some other taxes that are being talked about in this Body, and how well, next year we'll raise it another dollar and another dollar. I think for consistency sake we should let the industry get back on its feet, and survive and thrive before we start taxing it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1097, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 106) recommending that H.B. No. 112, 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. 112, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 107) recommending that H.B. No. 560, 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. 560, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

Representative Thielen 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. 560, entitled: "A BILL FOR AN ACT RELATING TO FINANCE," passed Second Reading and was referred to the Committee on Finance.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 108) recommending that H.B. No. 798, 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. 798, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. I have my license, although I don't sell life insurance," and the Chair ruled, "no conflict."

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

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

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

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:

"Reservations on this tax increase on life insurance."

Representative Ward 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.B. No. 798, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ching voting no.

Representatives Morita and Chang, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 109) recommending that H.B. No. 424, 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. 424, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Finance.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 110) recommending that H.B. No. 836, 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. 836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 111) recommending that H.B. No. 1088, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1088, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Health.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 112) recommending that H.B. No. 1622, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1622, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 113) recommending that H.B. No. 313, as amended in HD 1, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, and report of the Committee was adopted and H.B. No. 313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Hawaiian Affairs.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 114) recommending that H.B. No. 142, 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. 142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 115) recommending that H.B. No. 1066, 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. 1066, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 116) recommending that H.B. No. 1067, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1067, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 117) recommending that H.B. No. 1476, 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. 1476, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 118) recommending that H.B. No. 946, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 946, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," passed Second Reading and was referred to the Committee on Labor & Public Employment.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 119) recommending that H.B. No. 1524, 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. 1524, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker. I just want you to note my reservations on this matter. This makes it second degree theft if a person steals five pounds or more on an agricultural farm. I think that's a little bit too heavy for that person. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1524, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 120) recommending that H.B. No. 528, 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. 528, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 121) recommending that H.B. No. 755, 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. 755, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 122) recommending that H.B. No. 1045, 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. 1045, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 123) recommending that H.B. No. 1384, 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 Committee was adopted and H.B. No. 1384, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 124) recommending that H.B. No. 944, 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.

944, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 125) recommending that H.B. No. 769, as amended in HD 1, be recommitted to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 769, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was recommitted to the Committee on Human Services.

At 12:30 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 126) recommending that H.B. No. 608, as amended in HD 1, be recommitted to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 608, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was recommitted to the Committee on Health.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 127) recommending that H.B. No. 894, 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 H.B. No. 894, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"May I have a ruling on a possible conflict? My law firm's practice includes collection work, including the possibility of foreclosures," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I have reservations on this particular bill. Perhaps mainland mortgage companies are rushing to judgment with the non-judicial foreclosures, but I do question the wisdom of a moratorium, but I will be watching this bill as it progresses. Thank you very much."

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

"I would like a ruling on a potential conflict. I am a mortgage broker and a mortgage loan officer," and the Chair ruled, "no conflict."

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

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

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

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

"Mr. Speaker, I would like a ruling on a potential conflict. My law firm does foreclosure work, but I don't do any of it," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 894, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was placed on the calendar for Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolution (H.C.R. No. 36) was referred to Printing and further action was deferred:

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW TO DETERMINE WHETHER EACH COUNTY SHOULD ADMINISTER A PERMIT PROGRAM FOR LARGE SCALE DOG BREEDERS," was offered by Representative Thielen.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

H.C.R.

No. Referred to:

36	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance
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COMMITTEE REASSIGNMENTS

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

H.B.

Nos. Re-referred to:

769, HD1	Committee on Human Services, then to the Committee on Finance
1308	Committee on Economic Revitalization & Business, then to the Committee on Finance
1654	Committee on Health, then to the Committee on Water, Land, & Ocean Resources

ADJOURNMENT

At 12:33 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, Wednesday, February 9, 2011.

FOURTEENTH DAY

Wednesday, February 9, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:04 o'clock p.m., with the Speaker presiding.

The ecumenical invocation was delivered by Representative Faye P. Hanohano, after which the Roll was called showing all Members present with the exception of Representative Souki, who was excused.

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

INTRODUCTIONS

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

Representative Marumoto introduced Mr. John Russell and Ms. Genie Bourne from Connecticut.

At 12:10 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 128) recommending that H.B. No. 1093, 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. 1093, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 129) recommending that H.B. No. 1096, 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. 1096, entitled: "A BILL FOR AN ACT RELATING TO MOPED INSTRUCTION PERMITS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 130) recommending that H.B. No. 1098, 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. 1098, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 131) recommending that H.B. No. 1101, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 132) recommending that H.B. No. 1102, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 1101, HD 1; and H.B. No. 1102, 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 Stand. Com. Rep. No. 131 with reservations, stating:

"Mr. Speaker. You are just so fast today. I'm standing with reservations on SCR 131 which almost doubles the State registration fee."

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

"Thank you, Mr. Speaker. I have reservations on two of these measures. Stand. Com. Rep. Nos. 131 and 132. And these are raising fees and taxes. Thank you."

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 Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, I am in opposition of these two measures and with one brief comment. I'm not proud to say it, but I drive a 1990 vehicle and already pay almost \$275 to get it registered. With this, it's going to go off the chart. This is not a good time to do this, Mr. Speaker. There's a lot more people who drive older cars than I do. Thank you."

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

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

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

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

"I do want to include my reservations also on SCR 132, and also I just wanted to do another brief sentence if possible. Basically we're doubling all these fees which is going to be detrimental to a lot of the people in my community who are just getting by. But the reason we're doing this is to help the State Highway Fund. The State Highway Fund is the very fund that the Legislature raided over \$250 million from.

"So I hope this is a great example for all of us as we look at other funds to raid this year to balance the State budget to really understand the consequences of the actions that we may have to take in the future because of it."

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

"Thank you, Mr. Speaker. I also stand in reservations on Stand. Com. Rep. Nos. 131 and 132. I'd just like to echo or adopt the words from the Representative from Ewa Beach. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 1101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Finance,

with Representatives Fontaine, Marumoto and Ward voting no, and with Representative Ito being excused; and

H.B. No. 1102, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine, Marumoto and Ward voting no, and with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 133) recommending that H.B. No. 231, 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. 231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representatives Tsuji and Nishimoto, for the Committee on Agriculture and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 134) recommending that H.B. No. 1273, 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. 1273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 135) recommending that H.B. No. 1380, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1380, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," passed Second Reading and was referred to the Committee on Education, with Representative Ito being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 136) recommending that H.B. No. 927, 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. 927, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 137) recommending that H.B. No. 874, 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. 874, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 138) recommending that H.B. No. 383, pass Second Reading and 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.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM

OVERSIGHT COMMISSION," passed Second Reading and was referred to the Committee on Legislative Management, with Representative Ito being excused.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 139) recommending that H.B. No. 568, 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. 568, HD 1, pass Second Reading and 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 Committees was adopted and H.B. No. 568, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Ito 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. 140) recommending that H.B. No. 1243, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," passed Second Reading and was referred to the Committee on Health, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 141) recommending that H.B. No. 225, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 225, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations and a very brief note that there should be caution lights flashing all over this bill because it says, anybody who's going to sell a piece of land has got to get a historic preservation study done to it. The real estate industry has yet to realize the implications of this. And it's something that really needs a lot of cautious examination and discernment before we pass it. Thank you."

Representative Pine 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. 225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 142) recommending that H.B. No. 921, pass Second Reading and be referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 921, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND USE," passed Second Reading and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 143) recommending that H.B. No. 1154, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1154, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 144) recommending that H.B. No. 1223, 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. 1223, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOLAWE ISLAND RESERVE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 145) recommending that H.B. No. 1271, 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. 1271, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like to cast a no vote on 145 and just have a few words. Thank you. This measure temporarily diverts 50% of the Public Service Company Tax revenues that are realizations of the county in which the tax revenue is generated to the general fund.

"The concern I have is that Public Service Company Tax collections for all counties totals \$73.5 million. And if this measure is adopted, the counties would receive only about \$37 million. So you know very well what that means. We're putting the counties into a position that they're going to have to raise property taxes, and that has quite an impact on all of us on all islands. Thank you."

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

"Mr. Speaker, I'm a 'with reservations' on this measure and I'd like to point out that the 1978 Constitutional Convention gave the power to the counties to control their property tax assessments and rates. These public utilities pay the Public Service Company Tax in lieu of a property tax. And so I think it's unconstitutional for us to scoop some of the money from their revenues. Thank you."

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

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

"Yes, Mr. Speaker. I'm voting with reservations. I'll be watching this bill as it goes on to the Finance Committee and see what happens. Thank you."

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

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

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

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, 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. 1271, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no, and with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 146) recommending that H.B. No. 545, 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. 545, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I have slight reservations. I was just concerned about a security risk about online registration. The good news is you have to put down the last four digits of your social security number. The bad news is you only have to put down the last four numbers of your social security number. So I don't know whether it would be more secure if we used all the numbers. Anyway, I would like to learn more about this measure as it proceeds. Thank you."

Representative Ching 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. 545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 147) recommending that H.B. No. 952, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 952, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, 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. 952, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Second

Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representative Ito 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. 148) recommending that H.B. No. 465, 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 Committees be adopted, and that H.B. No. 465, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Fontaine 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 Committees was adopted and H.B. No. 465, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Ito 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. 149) recommending that H.B. No. 1077, 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. 1077, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I have reservations on 149. And if you could just bear with me for one moment, I have brief comments. Thank you. I'm concerned about the provision that states that the Director shall have the discretion to determine the amount of the increase in the Employment and Training Assessment rate. I just am very concerned about leaving that discretion up to the Director. Thank you."

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

"Mr. Speaker, also with reservations. Although this could be only a one-time increase in the Employment and Training Tax, it is a percentage of the Unemployment Insurance Tax and we raised the taxable wage base from \$1,300 to \$3,400 last Session and so the Unemployment Insurance Tax and this up along with it. Even though it's .01% it could go up at the discretion of the Director. There's no cap on this increase so I would like to address this further when it hits the Finance Committee."

Representative Fontaine 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 Committees was adopted and H.B. No. 1077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 150) recommending that H.B. No. 505, 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. 505, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I stand in strong support and ask that written comments be entered into the Journal," and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support. At a time when our State is faced with an economic crisis where the focus is money, we must not forget the safety of people's lives. HB505 addresses these concerns as they relate to a community that has been neglected – time and time again.

"Earlier last month, flooding took place in Lualualei Valley and Farrington Highway in the Waianae Coast leaving residents stranded once again. This measure will address the hazard that continues in this region through a working relationship with the State Department of Defense who will be seeking federal money to mitigate flooding. The portion that will be requested is the matching portion that is needed from the State to ensure that flooding in crucial areas are addressed. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD MITIGATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 151) recommending that H.B. No. 1312, 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. 1312, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 152) recommending that H.B. No. 1566, 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. 1566, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 153) recommending that H.B. No. 1605, 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. 1605, entitled: "A BILL FOR AN ACT RELATING TO FLOOD INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 154) recommending that H.B. No. 838, 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. 838, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 155) recommending that H.B. No. 862, 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. 862, entitled: "A BILL FOR AN ACT RELATING TO THE ETHICS COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representative Ito being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 156) recommending that S.B. No. 232, SD 1, 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 Committee be adopted, and that S.B. No. 232, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

At this time, the Chair addressed the Body, stating:

"Since we will have a lively discussion on Third Reading, the Chair would like to recommend that if you want to record a no vote, at this point you may. But the debate should occur on Third Reading if I may ask your indulgence to all of you. So if there are any no votes that Members would like to cast, please do so at this point in time. Please stand."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Cabanilla 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 S.B. No. 232, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Aquino, Awana, Chang, Ching, Choy, Cullen, Fontaine, Har, Johanson, Manahan, Mizuno, Riviere, Souki, Takai, Tokioka, Tsuji, Ward and Yamane voting no, and with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 157) recommending that H.B. No. 308, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representative Ito being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 158) recommending that H.B. No. 309, as amended in HD 1, be recommitted to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was recommitted to the Committee on Housing, with Representative Ito being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 159) recommending that H.B. No. 389, as amended in HD 1, be recommitted to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 389, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was recommitted to the Committee on Water, Land, & Ocean Resources, with Representative Ito being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 160) recommending that H.B. No. 344, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 344, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education, with Representative Ito being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Ito was excused.)

THIRD READING**H.B. No. 258, HD 1:**

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 50 ayes, with Representative Ito being excused.

At 12:39 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 258, HD 1

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 31 and 32) were read by the Clerk and were disposed of as follows:

H.R. No. 31, entitled: "HOUSE RESOLUTION ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE, INCLUDING THE OPERATING PROCEDURES FOR THE SELECT COMMITTEE ON STANDARDS OF CONDUCT," was jointly offered by Representatives B. Oshiro and Ward.

Representative B. Oshiro moved that H.R. No. 31 be adopted, seconded by Representative Evans.

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

"Mr. Speaker, I rise in very strong support of this historic Resolution. And I'm glad that Blake and I are the co-sponsors of this."

The Chair addressed Representative Ward, stating:

"Representative Ward, could you mention the Representative from the district he represents?"

Representative Ward continued, stating:

"The Majority Leader I would prefer, Mr. Speaker. And it's not only historic, but it's something that is going to have a long impact into our future. Our Caucus felt very strongly that we should preserve this 200 year tradition for not only this Body, for the nation, and what's been going on for decades, years, and years. We worked very hard together.

"I appreciate what the Majority has done, Mr. Speaker, and what you have done. We've come out with a very good piece of language to make what otherwise was a, I'm not sure what the rationale for what the Senate did, but I think it's a proud day for the House and it's a proud day to know, Mr. Speaker, that there is freedom of speech here. There is no church of America. There's no church of Hawaii, and there never will be a church of this Legislature. But we'll continue to ask for guidance because the bottom line is, we all have clay feet, we're weak, we need another power. We need guidance and we need help. So thank you, Mr. Speaker, and thank God that you're still welcome here."

The motion was put to vote by the Chair and carried, and H.R. No. 31 was adopted, with Representative Ito being excused.

H.R. No. 32, entitled: "HOUSE RESOLUTION ADOPTING THE HOUSE ADMINISTRATIVE AND FINANCIAL MANUAL OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 32 was adopted, with Representative Ito being excused.

By unanimous consent, the following resolution (H.R. No. 30) and concurrent resolution (H.C.R. No. 37) were referred to Printing and further action was deferred:

H.R. No. 30, entitled: "HOUSE RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, ACADEMIC, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was jointly offered by Representatives Takai, Awana, Brower, Carroll, Evans, Hashem, Johanson, C. Lee, Manahan, Mizuno, Nishimoto and McKelvey.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, ACADEMIC, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was jointly offered by Representatives Takai, Awana, Brower, Carroll, Evans, Hashem, Johanson, C. Lee, Manahan, McKelvey, Mizuno and Nishimoto.

ANNOUNCEMENTS

At 12:42 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Awana, for the Committees on Human Services and International Affairs requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing with decision making to follow on H.B. No. 871, Relating to the Uniform Interstate Family Support Act, on Thursday, February 10, at 10:30 a.m. in Conference Room 329, and the Chair "so ordered."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing H.B. No. 1077, HD 1, on Thursday, February 10, at 2:00 p.m. in Conference Room 308, and the Chair "so ordered."

"Requesting the waiver to help facilitate the implementation of this measure as soon as possible. Before March 1st if possible."

Representative McKelvey, for the Committee on Economic Revitalization & Business requested a waiver of the 48-hour advanced notice requirement for the purpose of decision making only on H.B. No. 1651, Relating to Shipboard Gambling, on Thursday, February 10, at 11:00 a.m. in Conference Room 312, and the Chair "so ordered."

Representative Ching: "I believe that this afternoon there is the Save Our Doctors lunch that you all were given notices for. I would just like to remind the Members of the Save Our Doctors luncheon. Thank you."

COMMITTEE REASSIGNMENTS

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

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

ADJOURNMENT

At 12:45 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 10, 2011. (Representative Ito was excused.)

FIFTEENTH DAY

Thursday, February 10, 2011

The House of Representatives reconvened at 12:33 o'clock p.m.

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:09 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 125 and 126) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 125, dated January 25, 2011, transmitting a letter pursuant to Section 109 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, informing the Legislature that the Governor has approved the expenditure by the Department of Accounting and General Services of \$8,165,000 in private contributions from SMG Hawaii to finance the design and construction of repairs and improvements for the Hawaii Convention Center.

Gov. Msg. No. 126, dated February 8, 2011, transmitting the Report on Recommendations on the Housing, Funding, and Proposed Legislation to Implement Act 200, SLH 2010, prepared by the Department of Accounting and General Services pursuant to Act 200, SLH 2010.

INTRODUCTIONS

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

Representative Souki introduced members of the Hawaii Community Action Partnership, and thanked them for their many years of advocacy and dedication to community-based programs in the fight against poverty.

Kauai Economic Opportunity: Executive Director, Ms. MaBel Fujiuchi; Board President, Ms. Brenda Viado; and Board Members, Ms. Evelyn Olores and Mr. Paul Matsunaga.

Maui Economic Opportunity: Board President, Mr. Scott Sakakihara; and CEO, Ms. Lyn McNeff.

Honolulu Community Action Program: Executive Director, Mr. Robert Piper; and Board Member, Mr. Terrence Aratani.

Hawaii County Economic Opportunity Council: Executive Director, Mr. Lester Seto; and Board Member, Ms. Liz Salfen.

Representative Coffman introduced retired teacher, Ms. Sally Waitt.

Representative Manahan introduced members of the Department of Labor and Industrial Relations, Office of Community Services:

Ms. Mila Kaahanui, Executive Director;
Ms. Lola Salimova, State Refugee Coordinator;
Ms. Sonya Seng, State Weatherization Administrator; and
Mr. En Young, Program Specialist.

Representative Tokioka, on behalf of the Kauai delegation, introduced Ms. Stephanie Fernandez and Ms. Lynn Kua of Kauai Economic Opportunity.

Representative Tokioka also introduced Kauai County Council Member, Mr. Derek Kawakami.

At 12:16 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 161) recommending that H.B. No. 1099, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 161, that H.B. No. 1099, HD 1, be recommitted to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 1099, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS OF RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," was recommitted to the Committee on Economic Revitalization & Business, with Representatives Hashem, Herkes, M. Lee, McKelvey, Mizuno, Souki, Takumi, Yamane and Yamashita being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 162) recommending that H.B. No. 1179, 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 Committee was adopted and H.B. No. 1179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 163) recommending that H.B. No. 885, 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. 885, 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, I wanted to note my reservations on this measure. What this does is it makes the contractor licensing process a public hearing. Mr. Speaker, there are 40 other boards that do licensing and I personally believe that it's just unfair to single out one type of business, in this case those wanting to become contractors. If we're going to make one a public hearing, we should make them all and treat them equally.

"Also there's some privacy issue problems relating to this as well, and so I'm concerned about that."

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

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

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

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

"Potential conflict, Mr. Speaker. I have contractors in the family," and the Chair ruled, "no conflict."

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

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

"Mr. Speaker, may I please get a ruling on a potential conflict. In my private sector life, I represent contractors," and the Chair ruled, "no conflict."

Representative Ching 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. 885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 164) recommending that H.B. No. 367, 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. 367, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 165) recommending that H.B. No. 96, 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. 96, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 166) recommending that H.B. No. 374, 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. 374, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 167) recommending that H.B. No. 678, 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. 678, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Yes, Mr. Speaker. I have reservations on this measure. There's an estimated cost to the University of Hawaii. I believe that it's over \$12 million. I don't think that's a good way to spend the money. Thank you."

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

"Mr. Speaker, I have reservations and comments. I think what Representative Thielen was referring to is that if the statute had existed when the release of private information happened in the past, it would have cost UH \$12 million to provide that credit report. So I will be voting with reservations."

The Chair addressed Representative Fontaine, stating:

"Representative Fontaine, when you make a reference to another Member, you're not supposed to mention their name, but refer to them as, 'the Representative from Kailua,' for example."

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

"Or, 'the Ranking Republican Member on said Committee.' Mr. Speaker, with reservations. Thank you."

Representative Marumoto 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. 678, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representatives McKelvey and Tsuji, for the Committee on Economic Revitalization & Business and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 168) recommending that H.B. No. 378, as amended in HD 1, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 378, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPING OF PUBLIC FACILITIES," passed Second Reading and was referred to the Committee on Hawaiian Affairs.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 169) recommending that H.B. No. 1512, 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. 1512, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 170) recommending that H.B. No. 1513, 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. 1513, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," passed Second Reading and was referred to the Committee on Judiciary.

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. 171) recommending that H.B. No. 527, 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. 527, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance.

Representatives Souki and McKelvey, for the Committee on Transportation and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 172) recommending that H.B. No. 123, 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. 123, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRA-STATE AVIATION," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 173) recommending that H.B. No. 1094, 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. 1094, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 174) recommending that H.B. No. 1473, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1473, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 175) recommending that H.B. No. 320, 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. 320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 176) recommending that H.B. No. 878, 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. 878, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 177) recommending that H.B. No. 1043, 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. 1043, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, this is a 'scoop' on the Hurricane Relief Fund. It belies the name of what the Hurricane Relief Fund was for, and it doesn't say it's for anything because it goes directly into the general fund. At least before, when we wanted to get rid of furloughs or we wanted to do something for the human services, social services, we had a specific reason.

"This is out and out just a grab of funds, and if you remember last Session, Mr. Speaker, our Caucus had said this should not even have been other than a loan to those needy causes. But this is really a flat out, knock 'em out, drag 'em out, empty it out Session. So with strong opposition, thank you."

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

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

"Yes, with reservations and some comments. I just wanted to remind the Members again, just the other day we had voted to increase taxes on things that would help to fund the Highway Fund. The Highway Fund was depleted because we did a raid just like this to balance the budget. But unfortunately, it hit us anyway because now we're raising taxes and increasing car registration fees. So understand that if this is the option that the Legislature wants to take, that we are going to have to pay for it down the line somewhere.

"And also our bond rating depends on funds like this being at a stronger level than we're proposing. Our other funds are also low. We need to be at, at least 5% to have a strong bond rating. If we don't have a strong bond rating, we can't do a lot of our CIP projects."

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

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

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

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

Representative Riviere 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.B. No. 1043, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Thielen and Ward voting no.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 178) recommending that H.B. No. 1447, 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. 1447, HD 1, pass Second Reading and 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, 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. 1447, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 179) recommending that H.B. No. 768, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 768, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 180) recommending that H.B. No. 1110, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 181) recommending that H.B. No. 1111, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1111, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY BENEFITS," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 182) recommending that H.B. No. 1264, 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. 1264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 183) recommending that H.B. No. 1477, 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. 1477, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY JUSTICE CENTERS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 184) recommending that H.B. No. 1263, 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. 1263, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 185) recommending that H.B. No. 614, 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.

614, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 186) recommending that H.B. No. 1330, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1330, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

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

Representative Belatti 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 Committee was adopted and H.B. No. 1330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Higher Education, with Representatives Belatti and Rhoads voting no.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 187) recommending that H.B. No. 821, 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 Committee was adopted and H.B. No. 821, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 188) recommending that H.B. No. 116, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 189) recommending that H.B. No. 902, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Higher Education.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 190) recommending that H.B. No. 1201, 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 Committee was adopted and H.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH BENEFIT EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 191) recommending that H.B. No. 904, 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 Committee was adopted and H.B. No. 904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 192) recommending that H.B. No. 756, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 756, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 193) recommending that H.B. No. 422, 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. 422, HD 1, pass Second Reading and 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, 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. 422, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 194) recommending that H.B. No. 982, 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. 982, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? Given my pending appointment to the PUC, the PUC has jurisdiction over the renewable portfolio standards."

The Chair responded, stating:

"Madame Chair, you are excused."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 982, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Morita being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 195) recommending that H.B. No. 224, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 224, HD 1, pass Second Reading and be

referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

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

Representative Morikawa 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. 224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 196) recommending that H.B. No. 394, 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. 394, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"A no vote, Mr. Speaker. I don't want to gamble with Hawaii."

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

"No vote. We don't want to gamble with aloha."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Yes, Mr. Speaker, I'll vote no on this measure. I would just like to point out that the Constitution of the State of Hawaii is a very well-written document. It reads very beautifully. The title of this particular amendment is really ugly and I would hate to see this language in the Constitution. I'd vote no on the merits, or the demerits of the bill."

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

Representative Pine rose, stating:

"Mr. Speaker, may I ask for a division of the House?"

The Chair responded, stating:

"At this point, after this vote is taken, the Chair will call a recess."

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

At 12:45 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

At this time, the Chair announced:

"Members, at this point in time, for Stand. Com. Rep. No. 196, HB No. 394, HD 1, there is a vote of 21 noes."

Representative Pine rose, stating:

"Mr. Speaker, I'd like to change my vote to a no."

Representative Thielen rose to respond, stating:

"Mr. Speaker, I voted no and I'm going to continue to vote no. And I would encourage at least four other W/R's to stand up and change their vote to no because then we can put this to rest and focus on the really important things. This is a distraction. It shouldn't go forward."

The Chair addressed Representative Thielen, stating:

"Representative Thielen, please address your remarks to the measure before us."

Representative Thielen continued, stating:

"Yes, I am encouraging all of those who are W/R's to stand up with backbone and vote no, now."

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

"Mr. Speaker, in support. Someone's got to stop the bleeding, Mr. Speaker. You know, I hear a lot of people especially in the Minority talk about 'let's put it on the ballot' for a lot of different questions, a lot of different issues, including big issues that we're hearing this year. And that's what this measure does. It asks, should this question be put on the ballot? And I think it's worth a little more discussion this Session."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. In response to the good Representative from Waikiki, I'd like to think that instead of just a black and white world, people recognize that the issues before us are often times grey. Therefore what happens is, as you would of course enjoy having the input of the people, you would never put the input, is it okay to cause harm, distinct harm, to the people."

"So the fact is that if you look at the facts of gambling, and for those who have been here before, but for perhaps the freshmen, we are not Las Vegas. Las Vegas is a desert that turned itself into a destination. I believe we are the exact opposite. Hawaii, its number one industry is tourism, is based on its natural beauty which is second to none in my opinion. And number two, its second to none in uniqueness of its multicultural history which is very much of interest, particularly with APEC coming. We are a very rich community. The facts are that New Orleans, I think it was mentioned in Committee hearings, tried some of this. They have much in common with us in the sense that they have a unique destination as well, and it ended up being no good."

"The crystal meth people, I have said this before ..."

The Chair addressed Representative Ching, stating:

"Representative Ching, please you confine your remarks."

Representative Ching continued, stating:

"This piece of legislation suggests putting this in the Constitution, amending the Constitution. And the fact is that people who are involved in the front lines of drug use, which we unfortunately are one of the highest, crystal meth, very bad, all of this, all the things that we do that our State is also known for which are very detrimental to our people. So I stand in defense of the health and welfare of our people. Also I wanted to add that Las Vegas is the one that fell the hardest in the recession. Thank you."

The Chair then addressed the Body, stating:

"Members of the House, Representative Souki, the Chair will allow you to speak for or against this measure. The vote is now 28 for, and 22 against. It is going to the Committee on Judiciary where the Chair, the Vice-Chair and the Committee members would like to have the opportunity to have a debate and discussion on this particular issue."

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

"Thank you very much, Mr. Chairman. I have my signature on the bill. I've been through this for many years and I hear the same arguments. I just want to speak in favor of it, of course. And those who say that its taking up valuable time. Well, this is a valuable alternative because we don't have enough money. Our income stream is not sufficient to maintain the programs that we have or the services that we provide. It has been this way since the '90s to now. We simply don't have the resources to maintain the programs or services at the size that we have.

"So unless we increase the income stream somehow, whether it's by taxes or by cuts which we have been doing quite a bit lately, and maybe more are going to be forthcoming, our quality of life will diminish over time.

"And quickly, I would just want to add that over a billion dollars of our money goes to Las Vegas. Many of you here voting no will probably take the next plane and go to Las Vegas. I hate to say it, but there is some hypocrisy over here. That's all, Mr. Chairman.

"I don't want to add anymore, and I wish the Members would look at this not just as gambling, but as an income stream that's coming in. And for the person that I signed it for, I'm very disturbed that he voted with reservations. Thank you, very much."

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

"Thank you, Mr. Speaker. In support. With all due respect to my colleagues who are not in support, I want to ask if I can have the words from the Representative from Waikiki to be inserted into the Journal as my own. And just some additional comments.

"I think it's always, always courageous when you bring controversial issues to the Floor. I think it's even more courageous when you allow the people of the State to have that dialogue. So I want to say that with the information that is out there, I think people need to also engage and be a part of that discussion, and not just this Body.

"So I just want to say, Mr. Speaker, I also would like for the words from the Representative from Wailuku to be inserted in the Journal as my own as well," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. In support, and may I have the words of the Representatives from Waikiki, Wailuku, and Hana entered in the record as if they were my own? And just some brief comments. This is not a bill to approve casino gaming. This is a bill to put the question before the people of Hawaii. That's what it is.

"And there are several other measures that have popped up this year wanting to put controversial subjects like this before the people of Hawaii. If nothing else, if it's defeated, and remember that a blank vote counts as a no vote, then we as a Body will know at least that we don't have to keep going down this road year, after year, because it's an option the people of Hawaii don't want. But let's at least let them have their say on this so if nothing else, this Body can get some guidance from the public that elected us. Thank you, kindly."

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

"Thank you, Mr. Speaker. I'm standing in support. And I'd like the words of the Chair of the greatest resort destination in the world inserted in the Journal as if they were my own. The Chair from Waikiki.

"Mr. Speaker, I voted no every single time on any gaming issue that came up, but we need to give people options. We still have a long way to go. I think this is something definitely worth consideration, and I'd like to support the measure. Thank you, Mr. Speaker."

Representative Manahan rose, stating:

"Mr. Speaker, thank you. I'd like to change my vote from an aye with reservations, to a yes. At this point, I would like to support the Chair of Tourism and encourage the debate on this issue. Thank you."

Representative M. Lee rose, stating:

"Thank you, Mr. Speaker. I'd like to change my vote to no."

Representative Cabanilla rose, stating:

"Mr. Speaker, I'd like the count right now, so I call for the question."

The Chair responded, stating:

"We can't call for the question because this is a blanket vote on all measures from page 1 to 12. That's why the Chair is allowing the Members of this House to address this issue and to voice your concerns on Second Reading. This particular measure, if it passes, will go on to Judiciary where the Committee will have an opportunity to have a public dialogue with the general public at large."

Representative Pine rose to respond, stating:

"Yes, again in opposition. This is my first time speaking though. I'll be brief. Two points. This is a different type of money generator. This is a money generator that will make us have to expend twice the amount that we bring in. So that's point number one.

"The second point is putting it on the ballot. Let me tell you what's going to happen when we put this on the ballot. Just like what happened in other states, millions, maybe billions will come in here from people who want gaming here. Who is going to be able to spend and afford the money to battle these guys with the same type of ads. This is different from any other thing that we wanted to put on the ballot. They will control the conversation."

Representative Morikawa rose, stating:

"I'd like to change my vote from a no, to aye with reservations."

The Chair then addressed the Clerk who announced:

"Mr. Speaker, we have tallied 22 no votes at this time, out of 51 Members."

Representative Marumoto rose to respond, stating:

"Again in opposition, Mr. Speaker. I just would like to remind folks that this particular bill just has to do with machine gambling. I believe that more lower income people are attracted to machine gambling. This does not include or allow casinos. So some of you who are for gambling may realize that the casinos, which may attract more high rollers are not included. This bill would not allow for that.

"Also Neighbor Islanders, please be advised this bill is only for Oahu, so if you're for gambling on the Neighbor Islands, this is not your bill. So I'm still hoping that some of you might change your mind on this issue. Thank you, very much."

Representative Takumi rose to respond, stating:

"Thank you very much, Mr. Speaker. It's my second time I realize. Still a no vote. I think it's very tempting at times when we talk about constitutional amendments and let the people decide, if that's the logic then obviously every constitutional amendment bill that comes before us, we should just put it on the ballot. Obviously we don't. And in fact, a vast majority of con am bills, we do not pass out and put on the ballot.

"As far as my good friend Speaker Emeritus from Wailuku, and the point about going to Vegas. I think we all know what happens in Vegas, stays in Vegas. Thank you, Mr. Speaker."

Representative Souki rose to respond, stating:

"Okay, I'll make it real quick. For those who are talking about putting it on the ballot, I remember that last year, we voted on a measure for the elected board or the non-elected board. That was on the ballot."

The Chair addressed Representative Souki, stating:

"Representative Souki, you're out of order."

Representative Souki continued, stating:

"Okay, something else before I finish. Mr. Speaker, just as a note of information to the Members. Tonight, I will be part of discussion, and so will be Representative Carroll and someone who is here from the mainland, who is paid for by the anti-gaming people. I heard it said that all the bad guys are going to come if this goes to a referendum. Well they're already sending someone from the mainland. He's an economist who will speak about how bad gaming is. And if you want to listen tonight, you can listen to him and maybe you can all help to pay for his trip over here. Thank you, very much."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. I rise in opposition. Just as a brief retort to the previous speaker who had at least between half a dozen to a dozen 'blue suede shoes' people here when a former Speaker was very intent on gambling. But the reason why I want to stand is for two things.

"We talk about diversifying the economy. Let's get real. If we're serious about diversifying the economy it's about entrepreneurship, and it's about small business development. But Mr. Speaker, if we look back, this is Day 15 of the Session. If we look back, how many job-creation bills have hit this Floor? Zero. And now we've got a gambling bill that says, this great savior of this State is going to come about by gambling.

"Why have we front loaded all these social, emotional issues, and haven't even gotten to the economic issues. If everybody's crying economics, why is this Floor here so absent of job creation bills? Giving business a breather, giving small business entrepreneurial advantages. So I say, let us wake up. If we want to diversify the economy, this is putting false hope in gambling and is just a lark. Thank you."

Representative Ching rose to respond, stating:

"Yes, thank you, Mr. Speaker. I appreciate it. Still in opposition. Two things. I just wanted to comment on and follow up on the Representative from Hawaii Kai. One of the persuasive comments made in testimony during the hearing was that gambling, particularly this type, does indeed affect our optional tourism industry.

"Because as we all know, logic will follow that as we have all, I have been to Las Vegas. I'm not a prude against gambling. I just think it's a bad mix for Hawaii. So when you go to Las Vegas or Tahoe, you'll notice that they do everything they can to keep you inside the casino and in front of that slot machine, obviously because that's how they make a profit. So it's anti. It absolutely flies in the face of going out and actually experiencing Hawaii and some of the goals of the HTA.

"Number two. We just came out of a Human Services hearing where we're not going to be able to fund a lot of these things that they need a lot more money for. This is only going to make the human services debt of society bigger because we know already, the facts are the facts, on what gambling does to the people, addictive gambling.

"And lastly, I'd like to share this metaphor. Early in our State's history we introduced a particular pest, the mongoose, to take care of the rat that we so despised because it was a problem. We wanted to take care of it so we introduced the mongoose. Everyone knows this story. We didn't look beforehand. We didn't check that indeed, the mongoose was diurnal during the day, and the rat nocturnal. Thus we have two problems that then ate away the birds, and destroyed the native bird species, which decimated our unique birds of Hawaii. In a way, our birds are our heritage, Mr. Speaker.

And we introduced the mongoose which will eat the eggs of our birds. Thank you."

Representative Brower rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in support. I'd just like to say that this is the first of several gaming measures that will be coming to the Floor in the next week or so. My comfort level isn't as high as I would like it to be on this issue, but I think we have a responsibility to take each subject matter and put our best ideas together for it, and then more towards later in the Session decide what the best reaction will be."

The Chair addressed the Body, stating:

"We've had a lot of discussion, and I'm happy that we've had this discussion and dialogue primarily because the Chair and the Vice Chair of the Judiciary Committee, and their Committee members will have another opportunity to have this lively discussion in the Committee, if it is scheduled for a hearing."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 394, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO LEGALIZE SLOT MACHINE GAMBLING AND GAMBLING BY VIDEO POKER MACHINES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Belatti, Ching, Choy, Cullen, Fontaine, Johanson, C. Lee, M. Lee, Marumoto, Morita, Nishimoto, Pine, Rhoads, Riviere, Saiki, Takai, Takumi, Thielen, Ward, Wooley and Yamane voting no.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 197) recommending that H.B. No. 548, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 548, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 198) recommending that H.B. No. 1617, pass Second Reading and be referred jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1617, pass Second Reading and be referred jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business, 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 in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, this bill relates to public lands. The Committee on Hawaiian Affairs didn't get an opportunity to discuss the issue. According to the House Majority Staff Office, public land is within this Committee's area of responsibility."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1617, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred jointly to the Committee on Tourism and the Committee on Economic Revitalization & Business.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 199) recommending that H.B. No. 318, 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. 318, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOG," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 200) recommending that H.B. No. 514, 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. 514, entitled: "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE DEAF CENTER," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 201) recommending that H.B. No. 1212, 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. 1212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 202) recommending that H.B. No. 1435, 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. 1435, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 203) recommending that H.B. No. 377, pass Second Reading and be referred to the Committee on Hawaiian Affairs.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 377, pass Second Reading and be referred to the Committee on Hawaiian Affairs, seconded by Representative Evans.

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

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, this bill is to ensure State lands are used to promote the preservation and development of Hawaiian fishponds. Developers are not clearly defined in the bill. My question is, who are the developers that are interested in building Hawaiian fishponds?"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 377, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Hawaiian Affairs.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 204) recommending that H.B. No. 585, 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. 585, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 205) recommending that H.B. No. 1082, 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. 1082, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 206) recommending that H.B. No. 1017, 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. 1017, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Second Reading and was referred to the Committee on Finance.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative McKelvey was excused.)

THIRD READING

H.B. No. 894, HD 1:

Representative B. Oshiro moved that H.B. No. 894, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker, in very strong support. Mr. Speaker, since the financial collapse in 2008, our State like much of the nation is facing a foreclosure crisis. In this economic climate, people are struggling to keep up with their mortgage payments and are exhausting every method available to try to modify their loans so they can keep their homes. Sometimes they are led to believe that they are in modification only to learn that their house has already been foreclosed upon.

"We've heard a number of issues like that. Every day we hear stories of lender abuse. The DCCA Office of Consumer Protection is barraged with complaints on a daily basis. People are hurting. We heard many of their stories yesterday during the CPC hearing, but we have to be very careful that we do not further depress mortgage lending.

"This is a very complicated issue and that's why we created the Mortgage Foreclosure Task Force last year to ask those on the ground for their guidance as what to do about this crisis. One of their main recommendations is to create an option for those borrowers who are owner-occupants of their homes and undergoing non-judicial foreclosure to convert to judicial foreclosure. And it appears the off-shore banks are trying to rush the foreclosure process before we can enact that amendment.

"What this bill is, is a timeout. The Committee, both the Committees on CPC and JUD are working very hard on a comprehensive owner-occupant, non-judicial foreclosure law that will, if this moratorium becomes law, that

those laws will repeal this. And then with the new law in place we will offer protections to the consumers. I urge the Member's support. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'd like a ruling on a potential conflict. I am a mortgage lender," and the Chair ruled, "no conflict."

Representative Riviere continued to speak in opposition to the measure, stating:

"If I may speak in opposition. I'd like to submit my comments, but I would just like to paraphrase it by saying that this will send severe repercussions through the lending industry. I think it will adversely affect many borrowers' ability. Qualified borrowers will now have a harder time to get loans and they will more likely have higher rates. I just think this sends the wrong signal for the mortgage industry which is already having a very difficult time clearing loans for people to buy homes. So I'm in opposition."

Representative Riviere's written remarks are as follows:

"House Bill 894 will severely impact the mortgage lending industry in Hawaii by making future loans more difficult and expensive to acquire, even for the most highly qualified borrowers.

"This bill creates uncertainty for mortgage lenders by signaling that laws and contracts may not be honored in our State. This uncertainty will likely increase the cost of borrowing for all future home owners because Hawaii could be deemed a high-risk state in which to lend.

"A Mortgage Foreclosure Task Force made several substantive recommendations to reform the non-judicial foreclosure process and related matters. This bill was not one of those recommendations. A five-month moratorium on non-judicial foreclosures will do nothing to fix the underlying problems, but it will send a terrible message to the investment world.

"Unfortunately, HB 894 will do more damage than good to Hawaii property owners and I must vote against this bill."

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

"Mr. Speaker, I rise with reservations. I take at face value the Chair's words that there's assistance that's needed, but I would also say that caution is needed. This industry is the industry, if you recall, that helped us turn the corner in the last recession in the late '90s, early 2000s. The real estate industry pulled us around, or at least was the beginning one. We have a very weak real estate industry now, and if what my colleague from the North Shore just spoke about, and it weakens that industry, Mr. Speaker, we're going to cut our nose to spite our face.

"So we have to move, but move cautiously, and I think with the idea that one false move and we're going to be in trouble because our economy is shaking, people are hurting, and we should be sensitive to all those variables. Thank you."

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

"Yes, Mr. Speaker, I rise with reservations. I'm just worried about the unintended consequences that may happen with the moratorium. We just don't know what's going to happen, and I think what was said earlier about what the ramifications would be, for people getting new loans, that needs to be considered. So I ask to vote with reservations. Thank you."

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

Representative Carroll rose in support of the measure and asked that the remarks of Representative Herkes be inserted in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

"Reservations and a brief comment. I do agree with the Representative from the North Shore that this would have a partial devastating effect on the industry. However, as the Representative from Ewa Beach where we had the highest foreclosures in the State, I can tell stories where there are people who are being foreclosed on who have made their payments on a monthly basis.

"And it's primarily a particular bank from the mainland, and not the local banks. And I apologize as this may affect them, but we cannot constitutionally make a law that will only affect a mainland corporation. It is only five months, and hopefully when we end the moratorium that everything will be back to normal, but for those families who have done everything in their power to pay their payments. And we've also had fraud where random names are added to their mortgages.

"I think this will allow us to have more investigation because right now, those families that I'm helping, they're being directed by the Attorney General to work with the Attorney General of the United States, and of course they have a backlog. So by the time they do get the help, they've already been foreclosed on."

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

"Mr. Speaker, I rise in support. I'd just like to be very brief. I think that people are perhaps misreading the idea of a moratorium. This is not a complete moratorium on foreclosures. All this says is you can't go through the non-judicial route which means that you can't just go through the paper work filing and sending of papers. Instead you actually need to appear before the court, and that court can actually carefully review and scrutinize the foreclose to make sure that none of the evils that were talked about regarding fraud, or inducement, or mistake, or any of the other things are occurring.

"The Judiciary does have the discretion with which to reassign various judges and make sure that there are more foreclosure judges so this doesn't cause a complete halt to foreclosure actions. Currently in the First Judicial Circuit, there's only one judge that does foreclosures, but there's nothing that precludes the CJ from assigning more judges to do foreclosures.

"And actually that may be the way in which we can strike a balance because we will have judges actually scrutinizing every application, making sure that these are done properly and that there's nothing going wrong, and that when these people unfortunately will be closed out of their homes that they invested in, that it is being done in the right manner. And for that reason, I stand in support. Thank you."

Representative Herkes rose to respond, stating:

"Still in support. For the Member's information, this is a temporary issue to stop some of the abuses that are going on. I urge the Members to look at House Bill 1411, HD 1, which provides for the permanent solution, as far as the House is concerned, to non-judicial foreclosures of owner-occupant houses."

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

Representative Wooley's written remarks are as follows:

"I stand in support of this bill, which will help to decrease the fast-paced foreclosure rate that has affected not only individual families, but also the State's real estate market. I am particularly concerned about the push by large, mainland banks to foreclose on homes in Hawaii in these tough times and shortly after many big banks were bailed out by the taxpayers. We must take steps to hold banks accountable. Temporarily prohibiting

non-judicial foreclosures to prevent the devastating home owner losses that may be improper or short sighted will not only help many of our families, it will also provide stability in our real estate market. This bill does not prevent foreclosures. It merely limits them to judicial foreclosures. This will ensure that there is some process in place, at least in the short run, to prevent abuse and unwarranted foreclosures."

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

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

Representative Johanson's written remarks are as follows:

"I have no doubt that some of our residents are having to cope with the awful prospect of foreclosure. I sympathize with their concerns, particularly in cases where the resident may not necessarily be responsible for the foreclosure. While I feel for the residents of Hawaii who are suffering through these economic times and on the verge of losing their homes, I am also concerned with the broader implications that this bill may have on the mortgage lending industry, and by extension, all of Hawaii's residents. Thus, I will be voting in support with reservations because I recognize that even limited government intervention (as would be the case with a moratorium on non-judicial foreclosures), however well-intended, can be precedent-setting and a slippery slope to active government intervention in future private contracts."

The motion was put to vote by the Chair and carried, and H.B. No. 894, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Riviere voting no, and with Representative McKelvey being excused.

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

H.B. No. 894, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 33 through 37) and concurrent resolutions (H.C.R. Nos. 38 through 43) were referred to Printing and further action was deferred:

H.R. No. 33, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE EFFECTS OF SPORTS FIELD AND COURT LIGHTS ON THE MIGRATORY PATTERNS OF SEABIRDS IN HAWAII," was jointly offered by Representatives M. Lee, Ichiyama, Carroll and Rhoads.

H.R. No. 34, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO DEFER DECISION-MAKING ON THE CLOSURE OF LILIUOKALANI ELEMENTARY SCHOOL UNTIL THE NEW MEMBERS OF THE BOARD OF EDUCATION ARE APPOINTED BY THE GOVERNOR AND SEATED," was jointly offered by Representatives Say, Hashem, Marumoto and Nishimoto.

H.R. No. 35, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO EVALUATE THE FEASIBILITY OF INCORPORATING COMMUNITY SOLAR GARDENS IN HAWAII'S NET ENERGY METERING LAW," was offered by Representative Evans.

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ALLOW ADEQUATE TIME FOR PROPER PERMITTING AND SAFETY REGULATIONS FOR KUPUNA TERRACE IN WAIMANALO," was jointly offered by Representatives C. Lee, Aquino, Awana, Belatti, Brower, Carroll, Ching, Choy, Coffman, Cullen, Evans, Fontaine, Hanohano, Hashem, Ichiyama, Ito, Johanson, Jordan, Keith-Agaran, M. Lee, Luke, Manahan, Marumoto, McKelvey, Mizuno, Morikawa, Morita, Nakashima, Nishimoto, B. Oshiro, Pine, Say, Souki, Takai, Takumi, Thielen, Tokioka, Ward, Wooley, Yamane, Yamashita, Herkes, Rhoads and Saiki.

H.R. No. 37, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE EDUCATION OF HAWAII'S DRIVERS REGARDING THEIR RESPONSIBILITIES TO BLIND PEDESTRIANS," was offered by Representative Aquino.

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE EFFECTS OF SPORTS FIELD AND COURT LIGHTS ON THE MIGRATORY PATTERNS OF SEABIRDS IN HAWAII," was jointly offered by Representatives M. Lee, Ichiyama, Carroll and Rhoads.

H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO DEFER DECISION-MAKING ON THE CLOSURE OF LILIUOKALANI ELEMENTARY SCHOOL UNTIL THE NEW MEMBERS OF THE BOARD OF EDUCATION ARE APPOINTED BY THE GOVERNOR AND SEATED," was jointly offered by Representatives Say, Hashem, Marumoto and Nishimoto.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO EVALUATE THE FEASIBILITY OF INCORPORATING COMMUNITY SOLAR GARDENS IN HAWAII'S NET ENERGY METERING LAW," was offered by Representative Evans.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A FINANCIAL AND MANAGEMENT AUDIT OF KEALAKEHE HIGH SCHOOL," was offered by Representative Evans.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU TO ALLOW ADEQUATE TIME FOR PROPER PERMITTING AND SAFETY REGULATIONS FOR KUPUNA TERRACE IN WAIMANALO," was jointly offered by Representatives C. Lee, Aquino, Awana, Belatti, Brower, Carroll, Ching, Choy, Coffman, Cullen, Evans, Fontaine, Hanohano, Hashem, Ichiyama, Ito, Johanson, Jordan, Keith-Agaran, M. Lee, Luke, Manahan, McKelvey, Mizuno, Morikawa, Morita, Nakashima, Nishimoto, B. Oshiro, Pine, Riviere, Say, Souki, Takai, Takumi, Thielen, Tokioka, Ward, Wooley, Yamane, Yamashita, Herkes, Marumoto, Rhoads and Saiki.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE EDUCATION OF HAWAII'S DRIVERS REGARDING THEIR RESPONSIBILITIES TO BLIND PEDESTRIANS," was offered by Representative Aquino.

ANNOUNCEMENTS

Speaker Say: "At this time, the Chair has an announcement to make for all the Members of the House, primarily the Chairs. Filing deadline tonight is 6 p.m. This is in regards to all Triple Referral bills which must go to the second Committee for its referral tomorrow."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R.**Nos.****Referred to:**

- | | |
|----|---|
| 30 | Committee on International Affairs |
| 33 | Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |

H.C.R.**Nos.****Referred to:**

- | | |
|----|---|
| 37 | Committee on International Affairs |
| 38 | Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |

COMMITTEE REASSIGNMENTS

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

H.B.**Nos.****Re-referred to:**

- | | |
|-------------|--|
| 160 | Committee on Health, then to the Committee on Finance |
| 308,
HD1 | Committee on Housing, then to the Committee on Judiciary |
| 309,
HD1 | Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary |
| 344,
HD1 | Committee on Education, then to the Committee on Finance |
| 389,
HD1 | Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance |
| 601 | Committee on Housing, then to the Committee on Judiciary |
| 744 | Committee on Finance |
| 911 | Committee on Finance |
| 1059 | Committee on Finance |

ADJOURNMENT

At 1:14 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, Friday, February 11, 2011. (Representative McKelvey was excused.)

SIXTEENTH DAY

Friday, February 11, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:09 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representative Cabanilla, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 7 through 9) were received and announced by the Clerk:

Sen. Com. No. 7, transmitting S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on February 10, 2011.

Sen. Com. No. 8, transmitting S.B. No. 244, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on February 10, 2011.

Sen. Com. No. 9, transmitting S.B. No. 101, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on February 10, 2011.

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

S.B. No. 101, SD 1
S.B. No. 244
S.B. No. 1171

INTRODUCTIONS

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

Representative McKelvey introduced Ms. Inga Gibson of the Humane Society of the United States, Ms. Pam Burns of the Hawaiian Humane Society, Ms. Ginny Tiu and other animal rights advocates who were here for Animal Awareness Day.

Representative Mizuno introduced the homeschooled students of Generation Joshua.

At 12:13 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 207) recommending that H.B. No. 512, 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. 512, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative M. Lee rose 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 the measure. Mr. Speaker, according to Dr. R. Sean Morrison, Director of Palliative Care at the Mount Sinai School of Medicine, "Palliative care is specialized healthcare for anyone who is diagnosed with a serious and life-threatening illness, starting when they get the diagnosis, regardless of prognosis."

"Palliative care means patient and family centered care that optimizes quality of life by anticipating, preventing and treating suffering. Palliative care throughout the continuum of illness involves addressing physical, intellectual, emotional, social and spiritual needs to facilitate patient autonomy, access to information and choice.

"These days, if you make it to 65, you will probably live beyond 82. The numbers of older citizens is increasing, as well as the numbers of people living with chronic diseases.

"Palliative care is often the most desirable and effective care for many of these people, and is a cost effective choice as well.

- Palliative care improves the quality of life.
- Growing bodies of research support the use of palliative care.
- Palliative care is recognized as a medical sub-specialty by internal medicine and family medicine boards.
- Palliative care supports physicians by guiding them in how to deal with patient's need for a plan to proceed with their illness – helping them set goals, and suggesting bedside management of symptoms.
- Palliative care is usually cost effective or cost neutral.

"People have a right to know about palliative care, however standards need to be established that apply to specific situations.

"National Health Care reform included recommendations for the National Institutes of Health to provide more research funding for palliative care.

"Palliative care is not just about better end of life care, but it is about improving care for people with serious or life-threatening illness throughout their life.

"Famous Science Fiction Writer Isaac Asimov once said: 'Life is pleasant; Death is peaceful. It is the transition that is difficult.' Palliative care can ease this transition."

Representative Ching 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. 512, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PALLIATIVE CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Hashem being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 208) recommending that H.B. No. 889, 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. 889, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH,"

passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 209) recommending that H.B. No. 127, 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. 127, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Yes, in opposition, Mr. Speaker to Stand. Committee Report 209. What that does is it allows emergency victims who have been involved in a rape to be given access to emergency contraception. What I have a problem with is that this particular bill does not have a religious exemption.

"For example, St. Francis which is in my district in Ewa Beach, testified that they will have to close down because of course the land owned is still owned by the Catholic Organization. And so I'm hoping that the Judiciary Committee will add the religious exemption so that we can move on and help those women that want to be helped. I think that the religious entities that did testify were more than willing to be compassionate as well to the rape victims, and bring them to those hospitals that could care for them in this way."

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative M. Lee rose 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. In 2009, there were 125,910 rapes in the United States. According to the most recent Crime in Hawaii report, there were 363 forcible rapes reported to law enforcement in Hawaii in 2008. Many of these survivors required emergency medical care at one of Hawaii's emergency rooms. Rape is one of the most violent crimes.

"Sexual assault is a life threatening event and one that causes most victims long-term trauma. Survivors often suffer depression, intense fear, anxiety, and symptoms of posttraumatic stress disorder. Healing can take a lifetime. Victims are often blamed and scrutinized.

"In the aftermath of rape, victims find themselves dealing with a host of reproductive and sexual health issues, including pregnancy. Statistics vary, but indicate the approximately 5-8% of all rapes result in pregnancy.

"Emergency contraceptives are a safe and effective way to prevent a pregnancy as the result of a rape. EC are high dose contraceptives that, when taken within a recommended time period after a sexual assault, will prevent pregnancy. EC is not the "abortion" pill, nor does it cause abortion.

"Providing EC in the ER is the accepted standard of care. The American Medical Association's Guidelines for treating sexual assault victims states that victims should be informed about and provided EC. The American College of Obstetrics and Gynecology also supports this standard of care.

"Fifteen states and the District of Columbia have adopted legislation requiring the provision of information about and/or access to EC to sexual assault victims in emergency rooms. This past year, the federal government also standardized rules regarding EC and now requires that all military and federal hospitals stock EC. The Army Medical Command Regulations advise discussing and providing EC to sexual assault victims.

"However in Hawaii, sexual assault victims do not always have access to emergency contraception when they are patients in a local emergency room. Statewide surveys of Hawaii emergency rooms have revealed that many facilities lack any clear policy on emergency contraception.

"This is 2011. It has been 16 years since the American Medical Association said that Emergency Contraception for the victims of rape was the accepted standard of care. Bills such as this have been introduced by the Women's Legislative Caucus for over 10 years.

"Since then there have been many articles reporting cases of hospitals locked in doctrinal dilemmas regarding women's right to the accepted standard of care.

"Writing in the New York Times on January 28, 2011, Nicholas D. Kristof reported that "The National Women's Law Center has just issued a report quoting doctors at religious affiliated hospitals saying they are sometimes forced by doctrine to provide substandard care to women with miscarriages or ectopic pregnancies in ways that can leave them infertile or even endanger their lives." A hospital in Phoenix was recently stripped of its religious affiliation and a supervisor punished for giving permission to terminate the pregnancy of a mother of 4 children who would have died without the procedure.

"Yet strangely, more than 400 Catholic Hospitals do observe the accepted standard of care after rape.

"Kristof goes on to say: "to me, the battle taking place illuminates two rival approaches within any spiritual tradition—one approach focuses on dogma, sanctity, rules and punishment, while the other exalts compassion for the needy, mercy for sinners, and above all inclusiveness." I would like to insert his article in the Journal.

"Mr. Speaker, while in most cases legislating care is not warranted, there is no excuse for Hawaii to have neglected to insist upon the accepted care for victims of rape for so long—victims who are in an immediate crisis hours and days after an assault. Giving deference to hospital hurts victims and prevents them from getting the proper care.

"The present bill is an amended version which is not perfect because it requires an exceptionally difficult standard to meet in terms of

accessibility, but it can be fixed. Please support the victims not the system. Let's ensure that some of Hawaii's most vulnerable patients have access to quality, compassionate care after a sexual assault, no matter which emergency room they arrive in. Thank you."

Representative M. Lee submitted the following article:

OP-ED COLUMNIST

Tussling Over Jesus

By NICHOLAS D. KRISTOF

The National Catholic Reporter newspaper put it best: "Just days before Christians celebrated Christmas, Jesus got evicted."

Yet the person giving Jesus the heave-ho in this case was not a Bethlehem innkeeper. Nor was it an overzealous mayor angering conservatives by pulling down Christmas decorations. Rather, it was a prominent bishop, Thomas Olmsted, stripping St. Joseph's Hospital and Medical Center in Phoenix of its affiliation with the Roman Catholic diocese.

The hospital's offense? It had terminated a pregnancy to save the life of the mother. The hospital says the 27-year-old woman, a mother of four children, would almost certainly have died otherwise.

Bishop Olmsted initially excommunicated a nun, Sister Margaret McBride, who had been on the hospital's ethics committee and had approved of the decision. That seems to have been a failed attempt to bully the hospital into submission, but it refused to cave and continues to employ Sister Margaret. Now the bishop, in effect, is excommunicating the entire hospital — all because it saved a woman's life.

Make no mistake: This clash of values is a bellwether of a profound disagreement that is playing out at many Catholic hospitals around the country. These hospitals are part of the backbone of American health care, amounting to 15 percent of hospital beds.

Already in Bend, Ore., last year, a bishop ended the church's official relationship with St. Charles Medical Center for making tubal ligation sterilizations available to women who requested them. And two Catholic hospitals in Texas halted tubal ligations at the insistence of the local bishop in Tyler.

The National Women's Law Center has just issued a report quoting doctors at Catholic-affiliated hospitals as saying that sometimes they are forced by church doctrine to provide substandard care to women with miscarriages or ectopic pregnancies in ways that can leave the women infertile or even endanger their lives. More clashes are likely as the church hierarchy grows more conservative, and as hospitals and laity grow more impatient with bishops who seem increasingly out of touch.

Catholic hospitals like St. Joseph's that are evicted by the church continue to operate largely as before. The main consequence is that Mass can no longer be said in the hospital chapel. Thomas C. Fox, the editor of National Catholic Reporter, noted regretfully that a hospital with deep Catholic roots like St. Joseph's now cannot celebrate Mass, while airport chapels can. Mr. Fox added: "Olmsted's moral certitude is lifeless, leaving no place for compassionate Christianity."

To me, this battle illuminates two rival religious approaches, within the Catholic church and any spiritual tradition. One approach focuses upon dogma, sanctity, rules and the punishment of sinners. The other exalts compassion for the needy and mercy for sinners — and, perhaps, above all, inclusiveness.

The thought that keeps nagging at me is this: If you look at Bishop Olmsted and Sister Margaret as the protagonists in this battle, one of them truly seems to me to have emulated the life of Jesus. And it's not the bishop, who has spent much of his adult life as a Vatican bureaucrat climbing the career ladder. It's Sister Margaret, who like so many nuns has toiled for decades on behalf of the neediest and sickest among us.

Then along comes Bishop Olmsted to excommunicate the Christ-like figure in our story. If Jesus were around today, he might sue the bishop for defamation.

Yet in this battle, it's fascinating how much support St. Joseph's Hospital has had and how firmly it has pushed back — in effect, pounding 95 theses on the bishop's door. The hospital backed up Sister Margaret, and it rejected the bishop's demand that it never again terminate a pregnancy to save the life of a mother.

"St. Joseph's will continue through our words and deeds to carry out the healing ministry of Jesus," said Linda Hunt, the hospital president. "Our operations, policies, and procedures will not change." The Catholic Health Association of the United States, a network of Catholic hospitals around the country, stood squarely behind St. Joseph's.

Anne Rice, the author and a commentator on Catholicism, sees a potential turning point. "St. Joseph's refusal to knuckle under to the bishop is huge," she told me, adding: "Maybe rank-and-file Catholics are finally talking back to a hierarchy that long ago deserted them."

With the Vatican seemingly as deaf and remote as it was in 1517, some Catholics at the grass roots are pushing to recover their faith. Jamie L. Manson, the same columnist for National Catholic Reporter who proclaimed that Jesus had been "evicted," also argued powerfully that many ordinary Catholics have reached a breaking point and that St. Joseph's heralds a new vision of Catholicism: "Though they will be denied the opportunity to celebrate the Eucharist, the Eucharist will rise out of St. Joseph's every time the sick are healed, the frightened are comforted, the lonely are visited, the weak are fed, and vigil is kept over the dying."

Hallelujah.

The New York Times
January 26, 2011

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

"Thank you, Mr. Speaker. I'm voting with reservations and I'd just like to add that I hope as this measure moves forward, that the religious exemption is looked into closer. Thank you."

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

Representative Morita's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this measure.

"For over eight years, St. Francis Healthcare System has actively lobbied against providing emergency contraceptives (EC) for rape victims in an emergency room setting. In 2003 Senate Bill 658 resulted in a Governor's veto based on this opposition. And in subsequent years, other bills have been tied up in various Committees because of St. Francis' insistence for a religious exemption.

"Many would agree and support that healthcare institutions that limit their services to members of their own faith, such as the Christian Science sanatoriums, should be allowed to use religious beliefs as a framework for providing services. However, once a religious affiliated organization, such as a clinic or hospital, move into a secular purpose, that is providing medical care or social services to the general public and accept public funding, that organization should no longer be shielded from general application of the law.

"There are three key reasons why the status quo in Hawaii is not good enough when it comes to compassionate emergency care for rape victims and do not warrant any type of religious exemption.

"First and currently, the prescribed rape treatment is a protocol, not a law or even a rule or regulation. This protocol is a recommended practice, not a mandate. The protocol can be ignored, withdrawn or weakened in any situation or at any point.

"Second, although existing rape protocols has been a positive step forward in improving the care of sexual assault survivors, it stops short of requiring hospitals to provide EC onsite. Hospitals may give the patient a prescription to be filled elsewhere or refer her to another provider. However, sending a traumatized rape victim to a pharmacy or yet another health facility should not be an acceptable practice, especially when it concerns dispensing a time-sensitive medication such as EC. A traumatized patient's emergency healthcare needs should all be met in the emergency room.

"Third, according to a 2002 Healthy Mothers, Healthy Babies survey, 90% of Hawaii's hospital emergency rooms do not provide EC onsite to rape victims. For rape victims who chose not to report the rape to the police or call a rape crisis center, but instead goes directly to an emergency room, there is a possibility that all treatment options may not be disclosed. This will increase the chance of an unintended pregnancy and the victim having to face an agonizing decision of what to do next should a pregnancy result from the rape. A law is needed to ensure a rape victim has all health care options disclosed to her to make an informed decision based on her own personal beliefs.

"But most importantly, the Ethical and Religious Directives for Catholic Health Care Services make an exception for rape victims, stating that "a female who has been raped should be able to defend herself against a potential conception from the sexual assault." An article in the September-October 2002 Health Progress, the journal of the Catholic Health Association of the United States, written by the Association's Senior Director of Ethics, explains this exception. The article states that "Catholic teaching allows for the administration of emergency contraception within certain moral limits. Measures taken to prevent conception in such cases fall outside the general prohibition against contraception because the assailant's act is a violation of justice, and any semen within the woman's body is considered a continuation of the unjust aggression against which she may licitly defend herself."

"The article continues to say that studies calling EC an "abortifacient" do not have definitive evidence to support their theories and that it is actually "highly unlikely" that EC destroys or interferes with the implantation of a fertilized egg (a pre-existing pregnancy).

"At the heart of this matter are the ethical underpinnings of healthcare delivery, which is the patient's right to make his or her own decision. In 1982 the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research found, ". . . judgment about which choice will best serve well-being properly belongs to the patient, a physician is obliged to mention all alternative treatments, including those he or she does not provide or favor, so long as they are supported by respectable medical opinion."

"The decision to use EC should be the sole decision of the rape victim, based on her own religious or ethical beliefs and after all medical options have been disclosed to make an informed decision. A rape victim should not be told to get emergency services somewhere else. That is not compassionate care. This bill will help to provide the compassionate care that a victim of sexual assault is entitled to morally and legally."

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

"Thank you, Mr. Speaker. I am in strong support and may I adopt the comments of the Vice Chair of Finance, please," 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. 127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Ching, Cullen, Fontaine, Pine, Riviere and Ward voting no, and with Representatives Cabanilla and Hashem being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 210)

recommending that H.B. No. 734, as amended in HD 1, pass Second Reading and be referred to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 734, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE," passed Second Reading and was referred to the Committee on Human Services, with Representatives Cabanilla and Hashem being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 980, 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. 980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 212) recommending that H.B. No. 1342, 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 Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Hashem being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 213) recommending that H.B. No. 1621, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1621, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I was going to go, 'woof woof.' You know unfortunately, Mr. Speaker, I'm rising to speak against the bill. Thank you. In all due respect to the Majority Leader, I think we all want to ban 'puppy mills.' They're inhumane. They're disgraceful. They're disgusting. They're ... I can't think of all of the negative words with which to describe them. But this bill doesn't do it really in the correct way. And I have a few reasons for that.

"The intent of the bill, as we all know, was to regulate the retail sale of puppies by large commercial dog breeders. Those breeders that are advertising on the Internet. The ones that are stocking some of the pet stores and have disgraceful, inhumane housing for these ... I can't even call it housing, but places where these dogs are kept.

"The bill as amended is now going to regulate all dog breeders. And it establishes arbitrary limits on dog ownership, regardless of the care and nurturing the dogs receive. That's the important thing. A well-run operation that nurtures and cares for the dogs shouldn't be banned. City and County zoning laws already establish limits on the number of dogs allowed on residential properties, but these laws are being broken by puppy mill operators and the City isn't enforcing their law.

"As presented, House Bill 1621 is a deterrent to hobby breeders and dog fanciers. Responsible hobby breeders seldom profit from their breeding programs. The cost of quality animals, vet costs, cost for health clearances, stud fees, cost of whelping and raising a litter. There's a need for hobby breeders to produce quality dogs because the reality is that many pet owners want a certain type of dog, with a certain temperament and health guarantees.

"I'm going to go ahead and put the rest of my comments into the Journal with your permission, Mr. Speaker, but I just would like to say that the limit laws are difficult to enforce. There's a better way to get at this where we really focus on the number of puppies that are sold to retail outlets, and that includes sales over the Internet. And the main thing is breeders need to be licensed with yearly inspections. If an inspector went to the place that I understand is being run in Waimanalo, that inspector will be appalled at what is going on. And they have been. The media has gone out there and filmed. It's disgraceful, and disgraceful that we let it continue to operate.

"This isn't the best way to do it, but I really thank everyone in this Body for being concerned and wanting to find a solution this Session so we can ban these inhumane puppy mills from our Aloha State. Thank you."

Representative Thielen's written remarks are as follows:

"In order to prevent and regulate puppy mills, we need to establish a permitting and licensing requirement for large scale commercial breeding facilities which are producing and selling a defined number of puppies to retail outlets, including through the internet. These facilities would be required to meet certain quality standards regarding the care, housing and socialization of their dogs and puppies. Legislation should require county animal control officers to establish permitting process for breeders, defining large commercial dog breeders as a person, firm, partnership, corporation, pet store, or other association that has sold, whelped, transferred, or given away all or part of ten or more litters or thirty or more dogs during the preceding twelve months. Sales should include retail as well as internet sales. Additional legislation should require pet stores and large scale commercial dog breeders to provide puppy purchasers with written statement of the dog's history, including where the puppy was whelped, as well as a policy for refunds for preexisting medical conditions."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1621, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Thielen voting no, and with Representatives Cabanilla and Hashem being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 214) recommending that H.B. No. 1464, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1464, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Yamane 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.B. No. 1464, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred jointly to the

Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 215) recommending that H.B. No. 1135, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and 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. 1135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representatives Morita and Chang, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 122, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Agriculture, with Representatives Cabanilla and Hashem being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 835, 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. 835, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I will vote with reservations on Stand. Com. No. 217, House Bill 835, House Draft 1. This proposes an amendment to our State Constitution to Article VII, Section 6, relating to the disposition of excess revenues. I believe that we voted on a change this past year so I don't know whether that one will take precedence over this one if this one should also pass the Legislature and be put on the ballot and pass.

"But this would keep the surplus, excess revenues, and allow them to be put into the Employee's Retirement System, and I question whether excess tax revenue funds should go into a Fund which pays employee's pensions.

"I don't think the taxpayers would appreciate the fact that the money might be going to public employees only because ... Well, I'll just leave it there. I will look at the bill as it comes into Finance Committee. Thank you."

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

"Yes, I wish to speak with reservations on this measure. First of all, I don't really think you need to have a Constitutional Amendment on this issue. Number two, this language is too narrow as it restricts the funds only to one certain activity.

"One problem we know is the problem with the unfunded liability, but there are many, many other problems, and many other needs. And to restrict this to only one area, I believe, doesn't really serve the purpose of something like this. Thank you, very much."

Representative Belatti rose in support of the measure with reservations and asked that the remarks of Representative Souki 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. 835, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE DISPOSITION OF EXCESS REVENUES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 772, HD 1, as amended in HD 2, 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. 772, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representatives Mizuno and Awana, for the Committee on Human Services and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 871, 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 Committees be adopted, and that H.B. No. 871, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Rep. No. 219, with your indulgence. Mr. Speaker, I rise with reservations on this particular measure. Generally speaking, when a bill gets introduced it's for a reason and it has logic. People understand it and it's discussed. This bill had none of the above. No testimony. No one really understood it. It was contradictory in that some states have a particular Uniform Interstate Family Support Act which we are already in compliance, so we don't have to do it. There's no necessity to do it.

"But the hooker is that it says we agree with all the new updates in the Hague Convention of which no one produced anything to say what it is we are agreeing to or not agreeing to. So to give it a *carte blanche* without knowing what it is and it's not necessary, and no one came and really fought for it. I think, I hope, the next Committee will have a hard look at it to see what we're really getting into and discern it accordingly. Thank you."

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

"Thank you, Mr. Speaker. I stand in support, but I do have some slight reservations. By Hawaii moving first before the federal government acts, this will take us out of compliance with federal law. Thank you, very much."

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

"Thank you, Mr. Speaker. In support for Stand. Com. Report 219. Thank you, Mr. Speaker. I'd just like to mention, if you're looking at the SCR 219, it does state that there was testimony provided on this measure. And it was the decision of both Chairs at that time to go ahead and pass this measure because it does merit further review. As a matter of fact, it is being looked at, at the federal level so it warrants further discussion. We did place a defective date on it, as well as place the comments made by the AG's Department, if you look at the SCR 219.

"And lastly, we realize the concerns from the Representative from Hawaii Kai. If you look at the report, you can see that those issues are addressed. Thank you."

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

"Thank you, Mr. Speaker. In support on Stand. Com. Report No. 219, House Bill 871. Thank you, very much. If I could have the words of the Chair of International Affairs placed in the Journal as if they were my own. Thank you, very much. And I have just a few more comments to add.

"At the hearing, we did have two commissioners on the uniform state laws testify in support for this measure. While we agree with the prior speakers that this bill may not be ripe to go into law, nevertheless we wanted to move this measure to the Judiciary Committee where they can hold this measure as a vehicle. Again, based on the two commissioners on uniform state laws they had indicated that they wanted this vehicle to be ready once there is an update to the Uniform Interstate Family Support Act. We have about a year and a half to go into compliance with this. This is a vehicle and once it is ready to go, we'll be able to move on it. So for those reason I support this measure. 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. 871, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 220) recommending that H.B. No. 222, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 222, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Pine 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. 222, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Cabanilla and Hashem being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 221) recommending that H.B. No. 396, 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. 396, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 222) recommending that H.B. No. 1225, 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. 1225, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I'm rising to cast a no vote because I don't believe we should enable gambling on Hawaiian Homelands, or any other Hawaii lands. Thank you."

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

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

"Mr. Speaker, I am a no vote on this particular measure. Although it sounds innocuous, you know you have grandmas playing bingo, I will remind you that in San Francisco they do allow gambling and people, non-profit entities, can use this as a fundraising technique. They're able to bid on certain territories, but I find that they tend to pick areas where there's low-income housing and low-income neighborhoods. They find that these are the best for attracting bingo players. So I feel that people who want to make money prey upon the poor by establishing bingo in certain underprivileged areas. I think this is a very insidious form of gambling, so I am voting no. Thank you."

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

"Thank you, Mr. Speaker, in support. Yes, gaming is a very controversial issue, and we've gone through many other bills today, and on other days. I would just like to say that I'm in support of this because the State has a fiduciary responsibility to the Hawaiian Homes Act. When we became a State in 1959 there was a Compact that was made between the federal government and the State. But the State hasn't been able to fulfill that fiduciary responsibility, and there have been liability issues because of lawsuits.

"Yes, we tried in the several years to raise revenues for the Department of Hawaiian Homelands, and with the \$600 million settlement that the Legislature is mandated to put \$30 million in the budget, that goes away in 2014. The Department has tried every other way through commercialization and other means to try and raise that money.

"Bingo is certainly a more conservative type of gaming. And I take offense that someone would say that bingo is something that we would place in areas of low income. I beg to differ that not everyone who lives on Hawaiian Homes is of the low-income bracket.

"Therefore I support this measure because I believe that should we be able to do bingo in one designated area, which is one license, which is what the bill says. That Hawaiian Homes will have an opportunity by placing it in a location that visitors may be able to participate, and provide revenue to the State.

"If you look at the bill, it provides 20% to the State fund, as well as 1% to the compulsive gambling programs, and 4% for the administrative costs. We're looking at bingo as a sustainable way, one way to fulfill the State's responsibility to the Department of Hawaiian Homelands. And two, to provide some revenue. You may or may not agree that this type of gaming, but if not gaming and not raising taxes, then we need to look at everything that's on the table.

"One last comment. I also know that the federal government allows for military bases to provide bingo as another means of entertainment in gambling. Therefore, I support this measure strongly and ask my colleagues to please allow for more discussion so that we can take this to the discussion of one, fulfilling our mandate; but two, more importantly, looking at ways to raise revenue. Thank you."

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

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

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

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

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

"Thank you, Mr. Speaker, I rise in opposition. Thank you, Mr. Speaker. Just a few comments. And again, I'm not a prude about bingo, but we know where this is going. The 'elephant in the room' is here. We know where this is going. And I just wanted to mention, it's fascinating because over the last how many years, when we bring up gambling, there is I believe one proposal that said we'll give some of the money for education. Now maybe we'd like to earmark some for compulsive gambling. And for logic, it's an interesting thing for me as a former teacher at Maemae School.

"You know, teachers try to, I believe, help children to attain the best potential they can. We know that one of the values we want to establish in our children, our students, is one of delayed gratification. Work hard. Do the thing that is not necessarily immediate gratification, but for their own good. In fact, there are studies that show that the ability to delay gratification is probably one of the most top indicators of success in any individual's life. Philosophically, we've actually got a real interesting contradiction, and then you've got the compulsive gambling.

"And I'd just like to add, it's 2011. It's 2011 and with all due respect, I love bingo too. But there are a lot of other ways, there are options, it's a beauty of the contemporary time we live in. So creative. So many other ways to raise funds. Thank you."

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

Representative Marumoto rose to respond, stating:

"Mr. Speaker, still in opposition. My apology to the Representative from Hana. I did not mean to infer that all people who live on Hawaiian Homelands are underprivileged. I simply was referring to the fact that in San Francisco, generally, bingo areas that are sought after are where underprivileged people reside. Thank you."

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

"In support. In California, bingo is for the benefit of schools. You can only have one paid employee. All the rest of the staff that runs the bingo are volunteers. The particular case that I know of, the bingo in California that my wife ran, they would send those students on trips. They have been to Paris. Been to London. They've been all over the world based on the bingo. And I said it many times that bingo, and there are families of farmers from all over the territory came in to play bingo, and it was a very nice pleasant evening. In support."

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

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

"Thank you, Mr. Speaker. I rise in support. I'd like the words from the Representative from Hana as my own. And I also want to say, the last speaker really hit home. The fact that churches where I grew up, churches had bingo and the church members volunteered. That was a way to raise money, but more importantly, it was a way to socialize. And there were many Sunday afternoons that I spent under a tent playing bingo with my grandmother. I think that the point is to keep this measure moving forward.

"And some people think it's just for finances, but I would argue it's much more than that. When I visit senior centers in my district, they play bingo. That's something they do. They enjoy it. They have fun. It may be that we just need to take a look. If there is any money associated with it, that it doesn't go to the general fund. Maybe it stays where the bingo game is, and it stays with Hawaiian Homelands. So I encourage Members to move this forward. Thank you."

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

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

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

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

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

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

"Thank you, Mr. Speaker. I'd like to ask for a ruling on possible conflict. I am a lessee on a Hawaiian Homestead land," and the Chair ruled, "no conflict."

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

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

Representative Nishimoto rose and asked that the Clerk record a no vote 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.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO BINGO," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Ching, Choy, Cullen, Fontaine, Johanson, M. Lee, Marumoto, Morita, Nishimoto, Takai, Takumi, Thielen, Ward and Yamane voting no, and with Representatives Cabanilla and Hashem being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 223) recommending that H.B. No. 1489, as amended in HD 1, pass Second Reading and be referred to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1489, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Housing, with Representatives Cabanilla and Hashem being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 224) recommending that H.B. No. 1627, 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. 1627, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise with slight reservations. Mr. Speaker, this is the 'Mini-Akaka Bill,' or if you interpret what is in place, it is the Akaka Bill turned up on its head. Instead of starting with the federal government, we're starting at the State and progressing the same way that the Akaka Bill has. And if there's any bill that needs to be pushed along with a lot, lot, lot more discussion, it's this one. So with reservation, and I just wanted to flag this as a big, heavy, game-changing bill and we need to really discern it very, very specifically."

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

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

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

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

Representative Ching 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. 1627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 461, 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. 461, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 1000, 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 Committee was adopted and H.B. No. 1000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Hashem being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 227) recommending that H.B. No. 1443, 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 Committee was adopted and H.B. No. 1443, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Hashem being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 228) recommending that H.B. No. 466, 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 Committee was adopted and H.B. No. 466, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Hashem being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 229)

recommending that H.B. No. 385, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 385, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in opposition to Stand. Com. Rep. No. 229. This is potentially going to be a nightmare if we're going to have collective bargaining with our legislative session staff, and I do not believe this is a good measure and should not go forward. Thank you."

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

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

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

"With reservations, and comments please. What I wanted to express, and I hope that the Legislative Management Committee will consider is, I think it's somewhat problematic in a body that is largely compromised of elected and/or quasi-appointed, chosen people, to have a scenario in which case that potential prerogative may be usurped by this piece of legislation. So I just wanted to raise those reservations, and I hope that they will be considered as this measure may be subject to amendment."

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

"Yes, with reservations. I'm quite concerned with the referral, that it's only going to Legislative Management. In respect to the Chair, I'm sure he'll do a very fair job, but it should be going to Judiciary and the whole works because this is a big change here. Thank you, very much."

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

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

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

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

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

"Mr. Speaker, with reservations, and just to reinforce what the Representative from Maui said. Every card check bill always went through Judiciary, even though I sit on Legislative Management, and I'm pleased to hear it. But I think he's correct. We steered this one in the probable wrong direction, but hopefully it'll get cut off at Legislative Management.

"I love my staff. I don't think they want to get unionized, at least that's what they tell me so far. But after I make this speech I'll probably find out. Thank you."

Representative Har 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. 385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Fontaine and Thielen voting no, and with Representatives Cabanilla and Hashem being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 230) recommending that H.B. No. 1651, 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. 1651, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am with reservations on this House Bill 1651, House Draft 1, Relating to Shipboard Gaming. Thank you. Gaming sounds, perhaps a better word than gambling. It doesn't sound as bad, but I still think that it should be called gambling.

"This will allow shipboard gaming in the archipelagic waters of Hawaii, and apparently it limits it to only ships with 1,000 passengers and that people must stay overnight. So that's a very large ship. I think we only have one or two of them in our waters.

"But I don't think we could allow them to have gambling. Please correct me if I'm wrong, but I think that by Congressional Act they are not allowed to have gambling, so I don't see how we can override Congress in this particular area. But the fear of this particular bill is that it could revert back to its original form in which it would allow much smaller ships that are docked in Hawaii to have gambling. On page 7, I believe I was reading the draft that was given to us in Committee so I am assuming that it is the same in the Committee Report, but it talked about, the Board shall have all the power necessary to fully and effectively supervise all shipboard gaming operations including, but not limited to, the following: to determine the types and numbers of shipboard gaming licenses to be permitted, and the types and numbers of ships a licensee may own under this chapter.

"So I just was wondering, this Board could give out several licenses. We don't know how many. They could give them out. And a licensee could have many ships. So I'm curious as to really whether this bill will revert back to this original form. And whether you could have ships that are sailing in the archipelagic waters, or ships that could simply tie up at one port or another and conduct their activities. I look forward to hearing the testimony on this bill in the Judiciary Committee. Thank you."

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

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

"Thank you. Mr. Speaker, a no vote and just brief remarks. Thank you. We shouldn't roll the dice with Hawaii's reputation as a paradise. A paradise doesn't include gambling. Thank you."

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

"Thank you, Mr. Speaker. A no vote for me also, and brief comments. It's opening up Pandora's Box if we start going down this path. I'd also like to remind everyone too that the type of clientele that are attracted to this type of activity is not the kind of visitors that we're getting now. This could lead to having more organized crime and other activities in the State. Thank you."

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

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

"Thank you, Mr. Speaker. A no vote. Thank you. And I just want to be very quick on this. I just wanted to mention that the Honolulu Police Department did testify, I believe, in opposition."

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

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

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

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

"Mr. Speaker, a no vote. And may the words of the Police Captain from Maui be inserted in the Journal 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 Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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

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

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

"I'm in support. Does anybody in this Chamber actually think there's no gambling in Hawaii? I'd be interested to know how much was gambled on the Super Bowl just in this State. Thank you."

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

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

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

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

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

"Yes, a big yes vote, and I wish to have the words of the Representative from the Big Island as my own. And also I would ask my friends who go to Vegas, maybe they should be thinking about Representative Herkes' words. Thank you, very much."

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

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

"Thank you very much, Mr. Speaker. In support. And first of all, to address the concerns of the good Representative from Kaimuki, I hope I'm correct with her district. That was not the intent to have that language still included in that bill. So I apologize to her and the other Members for that legislative oversight."

"Again, though why would we, if I felt and I'm not 100% saying, 'aye,' but we've got to keep some vehicles for discussion alive. Because if

nothing else, we can go back to the taxpayers of the State of Hawaii and say that we looked at all options before we just went right to taxation to address a \$850 million deficit."

"We worked hard, your Committee did, to really narrow the scope of this, Mr. Speaker. Only two vessels, interisland cruise ships, only two of them, over 1,000 passengers with an overnight stay, because we realized the implications of this."

"But again, I feel that we have to keep all options on the table so at the end of the day, we can at least go back to the public and say we explored every option, no matter how divisive or polarizing it may have been, at least we looked at everything."

"So I do respect the no votes in this Chamber, Mr. Speaker, and I'm glad we're having this debate. But again, your Committee felt that we just needed to move forward with some vehicles to continue the discussion on this issue. Thank you."

Representative Thielen rose to respond, stating:

"I'm still a 'no,' Mr. Speaker. Yes, in response to the comments just made, keeping all options on the table, where are the options that support our small business community that will enable them to add jobs to the job market, enable them to thrive? We don't have those."

"When you're talking about options, you're either talking about raising fees, raising taxes, starting gambling in our State. All concepts that are dead ends. Where's the global thinking to say, 'What will make our economy move forward?' Part of that are green energy jobs. I'm a huge proponent of that. Part of that is getting the government off of the backs of small business and helping them. Not looking at them like the enemy, but helping them, working hand in hand. That's the way we move this State forward. It's called economic development. Thank you."

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

Representative McKelvey rose to respond, stating:

"Thank you very much, Mr. Speaker. Still in support with a rebuttal. If you look at the Order of the Day yesterday, you'll see that your Committee moved out the capital loan program for DBEDT, a preference for small business under the Procurement Code. And of course we're working on, what I feel is very exciting initiative to bring in, the film industry to Hawaii."

"And my record has shown that I've been a complete supporter, as your Committee has, of the green energy jobs and the energy division as well. So to say that we're doing nothing for the economy but looking at gaming, I believe is not accurate and deserves a response. Thank you, very much."

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

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

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

"Thank you, Mr. Speaker. In consideration of the comments made by the legislator from Lahaina, with reservations."

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

Representative Thielen rose, stating:

"Mr. Speaker, may we please just have a count of the no votes?"

At 1:10 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:10 o'clock p.m.

At this time, the Chair announced:

"Thank you. Before the recess, a vote count was requested for Stand. Com. Rep. No. 230. The count for the no votes is 20. It is 30 ayes, and 20 noes."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1651, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPBOARD GAMING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Aquino, Belatti, Ching, Choy, Cullen, Fontaine, Johanson, M. Lee, Luke, Morita, Nishimoto, Pine, Rhoads, Saiki, Takai, Takumi, Thielen, Ward, Wooley and Yamane voting no, and with Representatives Cabanilla and Hashem being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 231) recommending that S.B. No. 8, SD 1, 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 S.B. No. 8, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Hashem being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 232) recommending that H.B. No. 1141, 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. 1141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Hashem being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 1272, 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. 1272, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, please note my strong reservations to this, and I'd like to put some comments in the Journal," and the Chair "so ordered."

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

"I rise with reservations on this measure which would require the Director of the DCCA to reduce the monies paid to support Olelo's educational and governmental access facilities by an unspecified percentage in FY 2011-2012 and to transfer these funds to the general fund.

"The present financial situation of the State, and possible changes to government services and non-profits, make it even more important than ever that the people have a forum to express their opinions and ideas, and that public hearings and meetings are accessible.

"As a long time producer of an Olelo program, I feel it is more important than ever that we have public access TV. We have just seen a dramatic

uprising in Egypt, where the people have used media to express their frustration with government.

"We need to expand rather than restrict the rights of our citizens to public access. We are the envy of many states and should continue our leadership in this area."

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

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

"A no vote on the same measure. This is the public access television. Thank you."

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

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

"Yes, reservations and a brief comment. Yes, what this bill does is it directs DCCA to reduce the money paid to support Public Educational and Government access facilities, which would include the video that's given to the public from what we do here. I just believe that open access to what is going on here, as well as allowing some return to the public from what the cable television is taking away from us, should never be cut."

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

"Thank you, Mr. Speaker, with reservations. And I just would like the written comments from the good Representative of Mililani entered into the record as if they were my own. I do believe this might violate federal law," and the Chair "so ordered." (By reference only.)

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

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

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

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

"Thank you, Mr. Speaker, in support. This is one of many measures that we're looking at to balance the \$800 million shortfall. Other proposals that have been included, as many people know on this Floor, include reductions in core services whether it be Medicaid or TANF, whether it be an increase in fees or taxes.

"Is Public Access in Education and Government important, the PEGs? Yes. But everything should be looked at, especially if we're going to talk about things such as Medicaid of which 60% are children. Whether you want to talk about State Hospitals, whether you want to talk about education, Furlough Fridays, or other core programs of government. Thank you."

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

"Yes, Mr. Speaker, with reservations. My concern is the continued 'nickel and diming,' rather than looking at the whole fiscal picture on a broad basis. Thank you, very much."

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

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

Representative Cullen 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.B. No. 1272, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no, and with Representatives Cabanilla and Hashem being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 724, 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. 724, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Hashem being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 736, 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. 736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Hashem 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. 236) recommending that H.B. No. 884, 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. 884, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Hashem being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 1077, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 237 on H.B. No. 1077, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1077, HD 2, were made available to the Members of the House.

At 1:15 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:15 o'clock p.m., with the Speaker presiding.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Cabanilla and Luke were excused.)

THIRD READING

S.B. No. 232, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 232, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition. Regardless of what side anybody is on this issue, Mr. Speaker, to be frank, there's been civil union fatigue that set in on both sides. I mean, people have worked long and hard, calls, faxes, hearings. We went through a real good dialogue and I think everybody should be proud of this because there are no surprises that are here. It was totally vetted. And I know I'm probably on the side that's going to lose 31 to 20, but I want to say a few things before that vote is taken, if I may, Mr. Speaker.

"Mr. Speaker, Mr. Shakespeare said in his discourse in *Romeo and Juliet*, a rose by any other name is what he was describing with his love. However in this case, a rose by any other name is a civil union, by any other name is same-sex marriage. The point is, it means that names of things do not matter; only what things actually mean.

"Mr. Speaker, the bottom line is that this bill is almost, legally, a mirror image of marriage. If it was not about marriage, and it was only about rights and benefits, we already have the aloha solution, and that's the reciprocal beneficiaries. We could dump in the 49 pages of those rights and benefits if we wanted to do that.

"But, Mr. Speaker, don't take it from me. This is just the beginning to same-sex marriage. If I may quote one of the progenitors of the movement here saying that the only thing equal to marriage is marriage. Civil unions is just a legal recognition to provides and responsibilities, benefits and obligations. But it does not have the same social meaning as marriage which is an institution. Marriage has meaning. This was also a parallel by the ACLU which basically said, this is just one of the first and necessary steps.

"The point is, Mr. Speaker, that what we have today is a bill that in and of itself is fine, but it's a legal strategy set to put same-sex marriage into motion. And I think some of the comments are apt from New Jersey which had a Civil Unions Commission that stated, 'Civil unions invite and encourage unequal treatment of same-sex couples and their children. Civil unions are not respected in the real world, and domestic partners are not respected in the real world either. Marriage equality goes beyond getting the enumerated rights that are involved in equality because real marriage equality was about the dignity that comes with the word and the societal approval that comes with the word marriage.'

"That Mr. Speaker, is saying that we are just beginning a process and that by if you will ..."

Representative Brower rose to a point of order, stating:

"Mr. Speaker, a point of order. The Representative from Hawaii Kai, Queen's Gate's time has run out."

Representative Ward responded, stating:

"I believe we have five minutes, Mr. Speaker, and it's only three minutes and four seconds, thanks to this new technology that we have. The only time I ever used it."

Representative Brower: "I apologize, Mr. Speaker. I tried."

Representative Ward: "Thank you, Mr. Speaker. Do I get the seconds that he took off my clock here?"

Speaker Say: "It stopped at 3:04 so please proceed."

Representative Ward continued, stating:

"One of the bottom lines, Mr. Speaker, is that striking civil unions is on its way as we setup civil unions it's being struck down because of the things that I just said. And if the legal community has any examples, that is in Connecticut, Massachusetts, and other places that's exactly been the pattern.

"So just that we keep our eyes open, but we also keep our eyes open in that we look at what the people of Hawaii have said. 69 to 70% said we don't want same-sex marriage. So our obligation as we pass this is to make them aware with their eyes open that this bill today has begun its momentum toward same-sex marriage. That is one of the bottom lines.

"Another bottom line is that we are, with other states, a little bit out of where they're going. 31 other states have passed Constitutional Amendments prohibiting same-sex marriage. Another 42 states have passed statutes defining marriage between a man and woman. Even Governor Abercrombie and President Obama have said they are not for same-sex marriage. But again, in the beginning Shakespearean quote, a rose by any other name is still a rose, Mr. Speaker.

"So this is not an 'I told you so' speech. It's just saying connect the dots and you see the runway. You can see same-sex marriage is coming and it's coming soon. At the same time we can say when others in this Chamber said, you can't legislate morality. In effect, we are beginning this day by passing this bill.

"My fear is that for the many children, churches, synagogues, mosques, and temples who will unfortunately never agree with this government dictate because of some of their values which may in time turn into hate speech, Mr. Speaker. That is a big fear that many people in the community do have. So civil rights may have prevailed in framing this argument."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Ward continued, stating:

"Thank you, Mr. Speaker. I'm just wrapping up. So Mr. Speaker, civil rights may have prevailed in defining the issue and as I said earlier, likely it's going to be 20 to 31, but never in the history of our country has a civil right ever challenged our churches, synagogues, mosques, temples, more than this one. May this Body remain as a peacekeeper between the gulf that we are creating between our communities. Thank you, Mr. Speaker."

Representative Saiki rose in support of 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 support civil unions, but am submitting written remarks because I believe that Section 2, Subsection -9 of this legislation is ambiguous and may lead to potential litigation.

"Subsection -9 mandates that all "rights, benefits, protections and responsibilities" designated to married persons shall be afforded to civil union partners. This section was worded after a similar provision found in Conn. Gen. Stat. § 46b-38nn, which provides as follows:

Parties to a civil union shall have all same benefits, protections and responsibilities under law, whether derived from the general statutes, administrative regulations or court rules, policy, common law or any other source of civil law, as are granted to spouses in a marriage, which is defined as the union of one man and one woman.

Conn. Gen. Stat. § 46b-38nn. This Connecticut provision has been the subject of litigation concerning the issue of whether civil union partners enjoy equal benefits as do married person under § 46b-38nn. See *Kerrigan v. Commissioner of Health*, 957 A.2d 407 (Conn. 2008).

"To avoid confusion and litigation in Hawaii, the rights, benefits, protections and responsibilities afforded to civil union partners should be clearly delineated in statute, as has been done for married persons through

the enactment of hundreds of provisions in the Hawaii Revised Statutes. Such provisions s have been identified in H.B. 1453, Relating to Legal Relationships. I am including a copy of H.B. 1453 in my written remarks because it may provide future guidance concerning the scope of benefits to be provided to civil union partners. Thank you."

"H.B. NO. 1453

A BILL FOR AN ACT RELATING TO LEGAL RELATIONSHIPS

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The intent of this Act is to recognize civil unions in Hawaii. By establishing the status of civil unions in our State, it is not the legislature's intent to revise the definition or eligibility requirements of marriage under chapter 572, Hawaii Revised Statutes.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER A CIVIL UNIONS

§A-1 Definitions. For the purposes of this chapter:

"Declaration of civil union" means a statement in a form issued by the director that declares the intent of two people to enter into a civil union.

"Director" means the director of health.

"Civil union partners" means two adults who are parties to a valid civil union and meet the requisites for a valid civil union as provided in section A-2.

§A-2 Requisites of a valid civil union. To enter into a valid civil union, it shall be necessary that:

- (1) Each of the parties be at least eighteen years old;
- (2) Neither of the parties be a spouse in a marriage, a party to a reciprocal beneficiary relationship, or a partner in another civil union;
- (3) The parties be of the same sex; provided that the respective parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, brothers and sisters of the half as well as to the whole blood, uncle and nephew, aunt and niece, whether the relationship is the result of the issue of parents married or not married to each other;
- (4) Consent of either party to the civil union has not been obtained by force, duress, or fraud; and
- (5) Each of the parties sign and file a declaration of civil union as provided in section A-4.

§A-3 Persons under control of conservator or guardian. (a) No civil union license may be issued to any applicant under the supervision or control of a conservator or guardian, appointed in accordance with chapter 560, unless the written consent of the conservator or guardian, signed and notarized, is filed with the agent.

(b) Any person who enters into a civil union without the consent provided for in subsection (a) shall acquire no rights, by that civil union, in the property of any person who was under the control or supervision of a conservator or guardian at the time the civil union was entered into.

§A-4 Declaration as partners to a civil union; filing fees; records.

(a) Two persons, who meet the criteria set out in section A-2, may enter into a civil union and shall declare their relationship as partners to a civil union by filing a signed notarized declaration of civil union with the director. For the filing of the declaration, the director shall collect a fee of \$8, which shall be remitted to the director of finance for deposit into the general fund. By signing the declaration, two people swear under penalty of perjury that they meet the requirements for a valid civil union. By signing the declaration, two people swear under penalty of perjury that they meet the requirements for a valid civil union.

(b) Upon the payment of the fee, the director shall file the declaration and provide a certificate of civil union to each party named on the declaration. The director shall maintain a record of each declaration of civil union filed and each certificate of civil union issued by the director.

§A-5 Rights and obligations. Upon the issuance of a certificate of civil union, the parties named in the certificate shall be entitled to those rights and obligations provided by law to civil union partners.

§A-6 Civil union partner liabilities. Both partners to a civil union shall be bound to maintain, provide for, and support one another during the civil union and shall be liable for all debts contracted by one another for necessities for themselves, one another, or their family during the civil union; provided that when a support or maintenance obligation, however designated, is imposed upon a civil union partner under this chapter or any other law, the amount of the obligation shall be determined by the appropriate court as provided in section B-28.

§A-7 May be personal representative, guardian, trustee, or other fiduciary. A partner to a civil union may be a personal representative, guardian, trustee, custodian, or other fiduciary and may bind the person's self and the estate the person represents without any act or assent on the part of the person's partner.

§A-8 Civil unions performed in other jurisdictions. All unions between two individuals not recognized under section 572-3 shall be recognized as civil unions provided that the relationship meets the eligibility requirements of this chapter."

SECTION 3. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER B

TERMINATION OF CIVIL UNIONS

PART I. GENERAL PROVISIONS

§B-1 Jurisdiction; hearing. Exclusive original jurisdiction in matters terminating a civil union, subject to section 603-37 as to change of venue, and subject also to appeal according to law, is conferred upon the family court of the circuit in which the applicant has been domiciled or has been physically present for a continuous period of at least three consecutive months prior to the application therefor. No absolute termination of a civil union shall be granted for any cause unless either party to the civil union has been domiciled or has been physically present in the State for a continuous period of not less than six months prior to the application for termination. A person who may be residing on any military or federal base, installation, or reservation within the State or who may be present in the State under military orders shall not thereby be prohibited from meeting the requirements of this section.

§B-2 Commencement of action; summons. An action for termination of a civil union is commenced by filing a complaint with the court, which complaint shall be signed and sworn to by the applicant and shall set forth sufficient facts to constitute a claim for relief. Upon the filing of the complaint, the clerk shall issue a summons and deliver it for service to a person authorized to serve process in civil actions. The summons shall:

- (1) Be signed by the clerk and be under the seal of the court;
- (2) Contain the name of the court and the names of the parties;
- (3) Be directed to the defendant;
- (4) State the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which the defendant is required to appear and defend, which shall not be less than twenty days after the service of the summons and complaint upon the defendant; and
- (5) Notify the defendant that in case of the defendant's failure to appear and defend, as required, further proceedings may be taken, including judgment for the relief demanded in the complaint, without further notice to the defendant.

Alternative complaints for termination of a civil union may be set forth or combined in one complaint.

§B-3 Service. (a) The complaint for termination of a civil union and the summons shall be served by an authorized process server on the defendant personally if the defendant is within the State, unless the defendant enters an appearance in the case, and except as hereinafter otherwise provided.

(b) If service by an authorized process server is not feasible or is inconvenient or if the defendant is outside of the State, the court may authorize the service to be made by any other responsible person, or the

court may authorize notice of the pendency of the action and of a time and place of hearing, which shall be not less than twenty days after the giving of personal notice, to be given to the defendant personally by such person and in such manner as the court shall designate and the case may be heard and determined at or after the time specified in the notice.

(c) If the defendant is outside of the circuit, the court may authorize service by registered or certified mail, with request for a return receipt and direction to deliver to addressee only. The return receipt signed by the defendant shall be prima facie evidence that the defendant accepted delivery of the complaint and summons on the date set forth on the receipt. Actual receipt by the defendant of the complaint and summons sent by registered or certified mail shall be equivalent to personal service on the defendant by an authorized process server as of the date of the receipt.

(d) If it appears that the defendant has refused to accept service by mail, or is in concealment or otherwise evading service, or that the plaintiff does not know the address or residence of the defendant and has not been able to ascertain the same after reasonable and due inquiry and search for at least fifteen days either before or after the filing of the complaint, the court may authorize notice of the pendency of the action and of a time and place of hearing, which shall not be less than twenty days after the last publication of the published notice, to be given to the defendant by publication thereof at least once in each of three successive weeks in a newspaper suitable for the advertisement of notices of judicial proceedings, published in the State, and the case may be heard and determined at or after the time specified in the notice.

(e) If the plaintiff, as a result of impoverishment, is unable to publish notice as required by subsection (d), the plaintiff shall file an affidavit attesting to impoverishment and to the fact that, after due and diligent search, the whereabouts of the individual sought to be served are unknown. Upon those filings, the court shall order that service be made by forwarding a certified copy of the pleadings and process to the individual at the last known address by registered or certified mail, with a return receipt requested and a directive to deliver to addressee only, sending a certified copy of the pleadings and process to the defendant's closest known relative, if any can be found, and by posting a copy of the pleadings and process at the courthouse in which the pleadings and process has been filed. Service shall be completed thirty days after mailing. The plaintiff shall attest to the fact of the mailing and the date thereof by affidavit, attaching the sender's receipt for that mail and, if available, the return receipt and envelope.

§B-4 Personal judgment against absent defendant. In any proceeding in the family court, the court shall have the power to render a personal judgment against a party who is outside of this State and over whom jurisdiction is acquired by service of process in the manner set forth in section B-3(b) or (c), if the party was personally served with a copy of the summons or order to show cause and complaint or other pleading upon which the judgment is based and if the party was a domiciliary of this State at the time:

- (1) That the cause of action that is the subject of the proceeding arose;
- (2) Of the commencement of the proceeding; or
- (3) Of service.

§B-5 Cross-complaint. In any action for termination of a civil union, a cross-complaint for termination of a civil union may be filed and affirmative relief granted thereon as fully and effectually as on an original complaint. The cross-complaint shall be signed and sworn to by the cross-complainant and shall be served in the same manner as an original complaint.

§B-6 Proof. Upon the hearing of every complaint for termination of a civil union, the court shall require exact legal proof upon every point, notwithstanding the consent of the parties. Where the matter is uncontested and the court, in its discretion, waives the need for a hearing, then the court shall require exact legal proof upon every point by affidavit.

§B-7 Guardian ad litem for incompetent defendant. In any case where the court has reason to believe that the defendant in an action for termination of a civil union is not fully competent to conduct the defendant's defense or to comprehend the nature of the proceedings, the court may appoint a guardian ad litem to represent the interests of the defendant. The court may assess the reasonable fees and expenses of the

guardian ad litem as costs of the action, payable in whole or in part by either or both parties as the circumstances may justify.

§B-8 Examination of parties to prevent collusion. Upon the hearing of any complaint for the termination of a civil union, the court may examine either or both of the parties, upon oath, in order to prevent collusion.

§B-9 Procedure when collusion suspected. If there is any reason to suspect collusion, or that important testimony can be procured that has not been produced, the court shall continue the cause from time to time while the reason for suspicion continues. The attorney general or other prosecuting officer and parties not of record shall be heard, to establish the fact of collusion or of the existence of testimony not produced.

§B-10 Temporary support; other expenses. After the filing of a complaint for termination of a civil union the court may make orders relative to the personal liberty and support of either partner to a civil union, pending the complaint, as the court may deem fair and reasonable and may enforce the orders by summary process. The court may also compel either partner to a civil union to advance reasonable amounts for the compensation of witnesses and other expenses of the trial, including attorney's fees, to be incurred by the other partner to the civil union and may from time to time amend and revise the orders.

§B-11 Restraining orders; appointment of master. (a) When a complaint for termination of a civil union is filed in this State, the court, on an application by either party, supported by affidavit or a statement made under penalty of perjury, without a hearing, may enjoin and restrain each of the parties to that action from transferring, encumbering, wasting, or otherwise disposing of any of their property, whether real, personal, or mixed, over and above current income, except as necessary for the ordinary course of a business or for usual current living expenses, without the consent and concurrence of the other party to the action for termination of a civil union or further specific order of the court. Where restraining orders are issued against the other party to the action, the person shall be served promptly with the order and shall be entitled to a prompt hearing to show cause why the order should not be enforced.

(b) In all actions for termination of a civil union, the court shall have the power to issue restraining orders against a person or persons not a party to the action, as shall be reasonably required during the pendency of the action, to preserve the estates of the parties. Where restraining orders are issued against a person or persons not a party to the action, such persons shall be promptly served with the order and shall be entitled to a prompt hearing within a reasonable time to show cause why the order should not be enforced.

(c) In all actions for termination of a civil union, the court shall have the power to appoint a master, or masters, to make preliminary findings and to report to the court on any issue. The written reports of a master shall be available to interested parties and may be received in evidence if no objection is made or, if objection is made, may be received in evidence, provided the person or persons responsible for the reports are available for cross-examination as to any matter contained therein. When a report is received in evidence, any party may introduce other evidence supplementing, supporting, modifying, or rebutting the whole or any part of the report.

(d) Whenever it is made to appear to the court, after the filing of any complaint, that there are reasonable grounds to believe that a party may inflict physical abuse upon, threaten by words or conduct, or harass the other party, the court may issue a restraining order to prevent any physical abuse, threats, or harassment and shall enjoy in respect thereof the powers pertaining to a court of equity. Where necessary, the order may require either or both of the parties involved to leave the shared residence during the period of the order and may also restrain the party to whom the order is directed from contacting, threatening, or physically abusing the children or other relative of the partner to the civil union who may be residing with that partner at the time of the granting of the restraining order. The order may also restrain a party's agents, servants, employees, attorneys, or other persons in active concert or participation with the respective party.

(e) A knowing or intentional violation of a restraining order issued pursuant to this section is a misdemeanor. A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court. The court additionally shall sentence a person convicted under this section as follows:

- (1) For a first conviction for violation of the restraining order, the person shall serve a mandatory minimum jail sentence of forty-eight hours and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine; and
- (2) For the second and any subsequent conviction for violation of the restraining order, the person shall serve a mandatory minimum jail sentence of thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

The court may suspend any jail sentence, except for the mandatory sentences under paragraphs (1) and (2), upon condition that the defendant remain alcohol and drug-free, conviction-free or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor offense. All remedies for the enforcement of judgments shall apply to this section.

Any law enforcement officer shall enforce a restraining order issued pursuant to this subsection, including lawfully ordering the restrained party to voluntarily leave for a three-hour cooling off period, or, with or without a warrant, when the law enforcement officer has reasonable grounds to believe that the restrained party has violated the restraining order, arresting the restrained party.

(f) Any fines collected pursuant to subsection (e) shall be deposited into the spouse and child abuse special account established under section 601-3.6.

§B-12 Care, custody, education, and maintenance of children pendente lite. During the pendency of any action for termination of a civil union, the court may make orders concerning the care, custody, education, and maintenance of the minor children of the parties to the action as law and justice may require and may enforce the orders by summary process. The court may revise and amend the orders from time to time.

§B-13 Sequestration of property. The court may order that all property within the State of a party to an action for termination of a civil union be sequestered and applied to the payment of any allowance ordered by the court for the support and maintenance of either partner to the civil union or for the support, maintenance, and education of minor children, whether temporary or permanent, where service or notice has been effected by any of the methods set forth in section B-3.

§B-14 Security and enforcement of maintenance and alimony. Whenever the court makes an order or decree requiring a partner to a civil union to provide for the care, maintenance, and education of children, or for an allowance to the other partner to a civil union, the court may require the person subject to the order or decree to give reasonable security for the maintenance and allowance. Upon neglect or refusal to give the security, or upon default of the person subject to the order or decree and the person's surety to provide the maintenance and allowance, the court may sequester the person's personal estate and the rents and profits of the person's real estate and may appoint a receiver thereof and cause the person's personal estate and the rents and profits of the person's real estate to be applied towards the maintenance and allowance, as the court, from time to time, deems just and reasonable.

§B-15 County attorneys to represent court. The county attorneys of Maui and Kauai and the corporation counsels of the city and county of Honolulu and the county of Hawaii, within their respective counties and when and to the extent authorized by their respective county governing bodies and upon request of the family court, shall represent the court in any contempt proceeding for the enforcement of any order or decree for support of a partner to a civil union or child support or both, except that fees may be charged as provided for by chapter 576D.

§B-16 Termination decree, support order; social security number. The social security number of any individual who is party to a termination

decree or subject to a support order issued under this chapter shall be placed in the records relating to the matter.

PART II. TERMINATION

§B-21 Termination. The family court shall decree a termination of a civil union upon the application of either party when the court finds:

- (1) The civil union is irretrievably broken; or
- (2) The parties have lived separate and apart for a continuous period of two years or more immediately preceding the application, there is no reasonable likelihood that cohabitation will be resumed, and the court is satisfied that, in the particular circumstances of the case, it would not be harsh and oppressive to the defendant or contrary to the public interest to terminate a civil union on this ground on the complaint of the plaintiff.

§B-22 Battered partner to a civil union; exemption from mediation in termination proceedings. (a) In contested termination proceedings where there are allegations of abuse of a partner to a civil union, the court shall not require a party alleging the abuse to participate in any component of any mediation program against the wishes of that party.

(b) A mediator who receives a referral or order from a court to conduct mediation shall screen for the occurrence of family violence between the parties. A mediator shall not engage in mediation when it appears to the mediator or when either party asserts that family violence has occurred unless:

- (1) Mediation is authorized by the victim of the alleged family violence;
- (2) Mediation is provided in a specialized manner that protects the safety of the victim by a mediator who is trained in family violence; and
- (3) The victim is permitted to have, in attendance at the mediation, a supporting person of the victim's choice including but not limited to an attorney or advocate. If the victim chooses to exercise the option, any other party to the mediation will be permitted to have in attendance at the mediation, a supporting person of the party's choice including but not limited to an attorney or advocate.

(c) In a proceeding concerning the custody or visitation of a child, if a protective order is in effect, the court shall not require a party alleging family violence to participate in any component of any mediation program against the wishes of that party.

(d) In a proceeding concerning the custody or visitation of a child, if there is an allegation of family violence and a protective order is not in effect, the court may order mediation or refer either party to mediation only if:

- (1) Mediation is authorized by the victim of the alleged family violence;
- (2) Mediation is provided in a specialized manner that protects the safety of the victim by a mediator who is trained in family violence; and
- (3) The victim is permitted to have in attendance at mediation, a supporting person of the victim's choice including but not limited to an attorney or advocate. If the victim chooses to exercise this option, any other party to the mediation will be permitted to have, in attendance at the mediation, a supporting person of the party's choice, including but not limited to an attorney or advocate.

§B-23 Irretrievable breakdown. (a) If both of the parties by complaint or otherwise have stated under oath or affirmation that the civil union is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the civil union is irretrievably broken. The court, in its discretion, may waive a hearing on an uncontested complaint for termination of a civil union and admit proof by affidavit.

(b) If one of the parties has denied under oath or affirmation that the civil union is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the complaint and the prospect of reconciliation, and shall:

- (1) Make a finding whether the civil union is irretrievably broken, or

- (2) Continue the matter for further hearing not less than thirty or more than sixty days later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. At the adjourned hearing, the court shall make a finding whether the civil union is irretrievably broken.

§B-24 Recrimination no defense. Recrimination shall not be a defense to an application for termination of a civil union.

§B-25 Persons affected with Hansen's disease represented by attorney general. Upon application of the director of health, the attorney general or the attorney general's deputies shall represent any person affected with Hansen's disease detained at any hospital, settlement, or place for the care and treatment of persons affected with Hansen's disease in proceedings for termination of a civil union.

§B-26 Decree. If, after a full hearing, the court is of opinion that a civil union ought to be terminated, a decree shall be signed, filed, and entered. The court, in its discretion, may waive a hearing on an uncontested complaint for termination of a civil union and admit proof by affidavit. A decree dissolving the civil union, shall take effect from and after the time as may be fixed by the court, provided that the time so fixed shall not be more than one month from and after the date of the decree.

§B-27 Final judgment; nunc pro tunc entry; validation of certain civil unions. Whenever either party to an action to terminate a civil union is entitled to a final decree dissolving the civil union, but by mistake, negligence, or inadvertence the final decree has not been entered, the court on motion of either party or upon its own motion may cause a final decree to be entered granting the termination of the civil union as of the date when the decree could have been entered. Upon the entry of the final decree, the parties to the action to terminate the civil union shall be deemed to have been restored to the status of single persons as of the date set forth in the final decree, and any civil union of either party after the date of the final decree shall not be subject to attack on the grounds that the civil union was contracted at a time when the party was a partner to the terminated civil union. The court may cause a final decree to be entered nunc pro tunc as provided in this section even though another final decree may have been entered previously but by mistake, negligence, or inadvertence was not entered as soon as a final decree could have been entered.

§B-28 Support orders; division of property. (a) Upon termination of a civil union, or thereafter if, in addition to the powers granted in subsections (c) and (d), jurisdiction of those matters is reserved under the decree by agreement of both parties or by order of court after finding that good cause exists, the court may make any further orders as shall appear just and equitable:

- (1) Compelling the parties or either of them to provide for the support, maintenance, and education of the children of the parties;
- (2) Compelling either party to provide for the support and maintenance of the other party;
- (3) Finally dividing and distributing the estate of the parties, real, personal, or mixed, whether joint or separate; and
- (4) Allocating, as between the parties, the responsibility for the payment of the debts of the parties, whether joint or separate, and the attorney's fees, costs, and expenses incurred by each party by reason of the action to terminate the civil union. In making these further orders, the court shall take into consideration: the respective merits of the parties, the relative abilities of the parties, the condition in which each party will be left by the termination of the civil union, and all other circumstances of the burdens imposed upon either party for the benefit of the children of the parties, and all other circumstances of the case. In establishing the amounts of child support, the court shall use the guidelines established under section 576D-7. Provision may be made for the support, maintenance, and education of an adult or minor child and for the support, maintenance, and education of an incompetent adult child, whether or not the petition is made before or after the child has attained the age of majority. In those cases where child support payments are to continue due to the adult child's pursuance of education, the agency, three months prior to the adult child's nineteenth birthday, shall send notice by regular mail to the adult child and the custodial parent that prospective child support shall be

suspended unless proof is provided by the custodial parent or adult child to the child support enforcement agency, prior to the child's nineteenth birthday, that the child is presently enrolled as a full-time student in school or has been accepted into and plans to attend as a full-time student for the next semester a post-high school university, college, or vocational school. If the custodial parent or adult child fails to do so, prospective child support payments may be automatically suspended by the child support enforcement agency, hearings officer, or court upon the child reaching the age of nineteen years. In addition, if applicable, the agency, hearings officer, or court may issue an order terminating existing assignments against the responsible parent's income and income assignment orders.

(b) In addition to any other relevant factors considered under this section, the court, in ordering support and maintenance for a partner to a civil union, also shall consider the following factors:

- (1) Financial resources of the parties;
- (2) Ability of the party seeking support and maintenance to meet the party's needs independently;
- (3) Duration of the civil union;
- (4) Standard of living established during the civil union;
- (5) Age of the parties;
- (6) Physical and emotional condition of the parties;
- (7) Usual occupation of the parties during the civil union;
- (8) Vocational skills and employability of the party seeking support and maintenance;
- (9) Needs of the parties;
- (10) Custodial and child support responsibilities;
- (11) Ability of the party from whom support and maintenance is sought to meet that party's own needs while meeting the needs of the party seeking support and maintenance;
- (12) Other factors that measure the financial condition in which the parties will be left as the result of the action under which the determination of maintenance is made; and
- (13) Probable duration of the need of the party seeking support and maintenance.

(c) The court may order support and maintenance to a party for an indefinite period or until further order of the court; provided that in the event the court determines that support and maintenance shall be ordered for a specific duration wholly or partly based on competent evidence as to the amount of time that will be required for the party seeking support and maintenance to secure adequate training, education, skills, or other qualifications necessary to qualify for appropriate employment, whether intended to qualify the party for a new occupation, update or expand existing qualification, or otherwise enable or enhance the employability of the party, the court shall order support and maintenance for a period sufficient to allow completion of the training, education, skills, or other activity and shall allow, in addition, sufficient time for the party to secure appropriate employment.

(d) An order as to the custody, management, and division of property and as to the payment of debts and the attorney's fees, costs, and expenses incurred in the action to terminate a civil union shall be final and conclusive as to both parties, subject only to appeal as in civil cases. The court, at all times including during the pendency of any appeal, shall have the power to grant any and all orders that may be necessary to protect and provide for the support and maintenance of the parties and any children of the parties to secure justice, to compel either party to advance reasonable amounts for the expenses of the appeal, including attorney's fees to be incurred by the other party, and to amend and revise any orders from time to time.

(e) No order entered under the authority of subsection (a) or entered thereafter revising an order that provides for the support, maintenance, and education of the children of the parties shall impair the power of the court, from time to time, to revise its orders providing for the support, maintenance, and education of the children of the parties upon a showing of a change in the circumstances of either party or any child of the parties since the entry of any prior order relating to the support, maintenance, and

education. The establishment of the guidelines or the adoption of any modifications made to the guidelines set forth in section 576D-7 may constitute a change in circumstances sufficient to permit review of the support order. A material change of circumstances will be presumed if support as calculated pursuant to the guidelines is either ten per cent greater or less than the support amount in the outstanding support order. The need to provide for the child's health care needs through health insurance or other means shall be a basis for petitioning for a modification of the support order. The most current guidelines shall be used to calculate the amount of the child support obligation.

(f) Upon the motion of either party supported by an affidavit setting forth in particular a material change in the physical or financial circumstances of either party, or upon a showing of other good cause, the moving party, in the discretion of the court and upon adequate notice to the other party, may be granted a hearing. The fact that the moving party is in default or arrears in the performance of any act or payment of any sums theretofore ordered to be done or paid by the party shall not necessarily constitute a bar to the granting of the hearing. The court, upon such hearing and for good cause shown, may amend or revise any order and shall consider all proper circumstances in determining the amount of the allowance, if any, that shall be ordered.

(g) The responsible parent or the custodial parent shall have a right to petition the family court or the child support enforcement agency not more than once every three years for review and adjustment of the child support order, without having to show a change in circumstances. The responsible or custodial parent shall not be precluded from petitioning the family court or the child support enforcement agency for review and adjustment more than once in any three-year period if the second or subsequent request is supported by proof of a substantial or material change of circumstances.

(h) Attorney's fees and costs. The court hearing any motion for orders either revising an order for the custody, support, maintenance, and education of the children of the parties, or an order for the support and maintenance of one party by the other, or a motion for an order to enforce any order, or any order made under subsection (a) of this section may make orders requiring either party to pay or contribute to the payment of the attorney's fees, costs, and expenses of the other party relating to the motion and hearing as appears just and equitable after consideration of the respective merits of the parties, the relative abilities of the parties, the economic condition of each party at the time of the hearing, the burdens imposed upon either party for the benefit of the children of the parties, and all other circumstances of the case.

§B-29 Notice to parties with children. When a party files for termination of a civil union and there are minor children involved, or when a party institutes a proceeding under chapter 576D or 576E, the court or the office of child support hearings shall provide notice to each party informing them of the opportunity to enter into an alternative arrangement for direct payment of child support under chapter 576D. A party may petition the court at any time, under chapter 576D or 576E, to opt out of the child support enforcement agency system, and the petition shall be assigned priority upon the docket and be acted upon expeditiously by the court.

§B-30 Support of insane partner after termination of a civil union. In every action for termination of a civil union where a decree is granted to the plaintiff and the defendant is insane at the time of the decree, the court, at any time after entering the decree, may revise and alter the decree so far as the support and maintenance of the insane person is concerned and may provide for maintenance by the plaintiff out of any property or earnings acquired by the plaintiff subsequently, as well as previously, to the decree of termination. In its discretion, the court making the order for maintenance may require the plaintiff to give security to the satisfaction of the court for the faithful execution of the order.

§B-31 Modification of alimony on subsequent entry into civil union. (a) Upon the subsequent entry into a civil union of a party in whose favor a final decree or order for support and maintenance has been made, all rights to receive and all duties to make payments for support and maintenance shall automatically terminate for all payments due after the date of the entry into a civil union, unless the final decree or order, or an agreement of the parties approved by the final decree or order, provides specifically for the payments to continue after a subsequent entry into a civil union.

(b) The party who subsequently enters into a civil union shall file a notice of the civil union with the court that made the order for support and maintenance and serve within thirty days of the civil union, by personal service or registered or certified mail, a copy of the notice on the former paying party. In any proceeding relating to the payment of support and maintenance to a party who subsequently enters into a civil union, the failure of that party to file a notice of the civil union shall be considered by the court in awarding attorney's fees and costs for the proceeding and in determining reimbursement to the former paying party.

§B-32 Civil union after termination. Whenever a civil union is terminated by decree, either party to the civil union may enter into a subsequent civil union at any time.

§B-33 Property rights following termination of a civil union. (a) Every decree terminating a civil union that does not specifically recite that the final division of the property of the parties is reserved for further hearing, decision, and orders shall finally divide the property of the parties to the action.

(b) Following the entry of a decree of termination of a civil union in which the final division of the property of the parties to the action is reserved for further hearings, decisions, and orders, notwithstanding the provisions of section 560:2-802, or any other provisions of the law to the contrary, each party to the action shall continue to have all of the rights to and interests in the property of the other party to the action as provided by chapter 560, or as otherwise provided by law to the same extent the party would have had such rights or interests if the decree terminating the civil union had not been entered, until the entry of a decree or order finally dividing the property of the parties to the action to terminate a civil union or as provided in subsection (d) of this section.

(c) When a party to an action to terminate a civil union has entered into a subsequent civil union or marriage following the entry of a decree of termination of a civil union, in which the final division of the property of the parties is reserved for further hearings, decisions, and orders, but prior to the entry of a decree or order finally dividing the property owned by the parties to that action, notwithstanding the provisions of chapter 560, the present partner or spouse of the party to the former civil union shall have none of the rights or interests in the former partner's real property or personal estate as provided in chapter 560 or as otherwise provided by law, until such time as the decree or order shall be entered finally dividing the property owned by the parties or either of them as of the effective date of the entry of the decree of termination of the prior civil union. Upon the entry of a decree or order finally dividing the property of the parties to an action to terminate a civil union in which a decree of termination has been entered, the present partner or spouse of a party who has entered into a subsequent civil union or marriage shall have all of the rights of a partner or spouse as provided by chapter 560, or as otherwise provided by law, in and to the property of the partner or spouse as is vested in the partner or spouse by the decree or order finally dividing the property of the parties, or either of them, as of the effective date of the entry of the decree of termination of the prior civil union.

(d) Following the entry of a decree of termination of a civil union, or the entry of a decree or order finally dividing the property of the parties to an action to terminate a civil union if the same is reserved in the decree of termination, or the elapse of one year after entry of a decree or order reserving the final division of property of the party, a partner to a terminated civil union shall not be entitled to dower or curtesy in the former partner's real estate, or any part thereof, nor to any share of the former partner's personal estate."

SECTION 4. Chapter 651, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§651- Effect of termination of a civil union; reconciliation. Following the entry of a decree terminating a civil union, each civil union partner may claim a separate real property exemption under this part as a person. A subsequent reconciliation of the civil union partners when evidenced by a dismissal of the termination action shall cancel a separate claim for a real property exemption, and the civil union partners shall have one real property exemption."

SECTION 5. Section 11-72, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In assigning the precinct officials, the following criteria shall be followed:

- (1) The precinct officials shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct or representative district are not readily available to serve, they may be chosen from without the precinct or representative district, or if qualified persons either in or without the precinct or representative district are not available to serve, the chief election officer may designate precinct officials who are not registered voters if the persons so designated are otherwise qualified and shall have attained the age of sixteen years on or before June 30, of the year of the election in which they are appointed to work;
- (2) The chief election officer may designate more precinct officials than are needed in order to create a pool of qualified precinct officials who may be assigned to fill vacancies or to perform their duties as needed in any precinct;
- (3) No parent, spouse, reciprocal beneficiary, civil union partner, child, or sibling of a candidate shall be eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate; nor shall any candidate for any elective office be eligible to serve as a precinct official in the same election in which the person is a candidate. No candidate who failed to be nominated in the primary or special primary election shall be eligible to serve as a precinct official in the general election next following; and
- (4) The chairperson of the precinct officials shall be the first named precinct official on the list prepared by the chief election officer. The remainder of the precinct officials shall be apportioned as follows:
 - (A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices that were on the ballot in the next preceding general election shall be divided into the total votes cast for all the candidates of each party for these offices: president and vice-president, United States senator, United States representative, governor and lieutenant governor, state senator, and state representative;
 - (B) If a party's proportion of votes cast exceeds fifty per cent, its share shall be one-half of the precinct officials. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subparagraph (A);
 - (C) In the case of the above division resulting in parties having fractional positions, a whole position shall go to the party with the larger number of votes cast; and
 - (D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer."

SECTION 6. Section 11-302, Hawaii Revised Statutes, is amended by amending the definition of "immediate family" as follows:

"'Immediate family' means a candidate's spouse [or], reciprocal beneficiary, ~~[as defined in section 572C-3,]~~ or civil union partner, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses [or], reciprocal beneficiaries, or civil union partners of such persons. For the purposes of this part, "reciprocal beneficiaries" shall have the same meaning as in section 572C-3 and "civil union partners" shall have the same meaning as in section A-1."

SECTION 7. Section 76-103, Hawaii Revised Statutes, is amended to read as follows:

"§76-103 Veteran's preference. The extent to which veteran's preference shall be given to veterans, to disabled veterans, to spouses of disabled veterans, to civil union partners of disabled veterans, [and] to surviving spouses of deceased servicemen who have not remarried, and to surviving civil union partners of deceased servicemen who have not entered into a subsequent civil union shall be provided by rules [and regulations]."

SECTION 8. Section 87A-1, Hawaii Revised Statutes, is amended by amending the definitions of "dependent-beneficiary", "employee-beneficiary", and "qualified beneficiary" to read as follows:

""Dependent-beneficiary" means an employee-beneficiary's:

- (1) Spouse;
- (2) Partner in a civil union;
- (3) ~~[Unmarried child]~~ Child not married or not in a civil union deemed eligible by the board, including a legally adopted child, stepchild, foster child, or recognized natural child who lives with the employee-beneficiary; and
- ~~[(3)]~~ (4) ~~[Unmarried child]~~ Child not married or not in a civil union regardless of age who is incapable of self-support because of a mental or physical incapacity, ~~[which] that~~ existed prior to the ~~[unmarried]~~ child's reaching the age of nineteen years.

"Employee-beneficiary" means:

- (1) An employee;
- (2) The beneficiary of an employee who is killed in the performance of the employee's duty;
- (3) An employee who retired prior to 1961;
- (4) The beneficiary of a retired member of the employees' retirement system; a county pension system; or a police, firefighters, or bandsmen pension system of the State or a county, upon the death of the retired member;
- (5) The surviving child of a deceased retired employee, if the child is unmarried or not in a civil union and under the age of nineteen; ~~[or]~~
- (6) The surviving spouse of a deceased retired employee, if the surviving spouse does not subsequently remarry; or
- (7) The surviving civil union partner of a deceased retired employee, if the surviving civil union partner does not subsequently enter into a civil union;

provided that the employee, the employee's beneficiary, or the beneficiary of the deceased retired employee is deemed eligible by the board to participate in a health benefits plan or long-term care benefits plan under this chapter.

"Qualified-beneficiary" means, for purposes of the long-term care benefits plan, a former employee or an employee who is not eligible for benefits due to a reduction in work hours, including the spouse, divorced spouse, civil union partner, former civil union partner, parents, grandparents, in-law parents, and in-law grandparents of an employee or retiree; provided that the beneficiary was enrolled in the plan before the employee or former employee became ineligible for benefits."

SECTION 9. Section 87A-18, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The board may establish a long-term care benefits plan or plans for employee-beneficiaries; the spouses, civil union partners, parents, grandparents, in-law parents, and in-law grandparents of employee-beneficiaries; and qualified-beneficiaries. The plan or plans shall be at no cost to employers and shall comply with article 10H of chapter 431.

(b) Notwithstanding any other law to the contrary, long-term care benefits shall be available only to:

- (1) Employee-beneficiaries and their spouses, civil union partners, parents, and grandparents;
- (2) Employee-beneficiary in-law parents and grandparents~~;~~ and
- (3) Qualified-beneficiaries who enroll between the ages of twenty and eighty-five,

who comply with the plan's age, enrollment, medical underwriting, and contribution requirements."

SECTION 10. Section 87A-23, Hawaii Revised Statutes, is amended to read as follows:

"**§87A-23 Health benefits plan supplemental to medicare.** The board shall establish a health benefits plan, which takes into account benefits available to an employee-beneficiary and spouse or civil union partner under medicare, subject to the following conditions:

- (1) There shall be no duplication of benefits payable under medicare. The plan under this section, which shall be secondary to medicare, when combined with medicare and any other plan to which the

health benefits plan is subordinate under the National Association of Insurance Commissioners' coordination of benefit rules, shall provide benefits that approximate those provided to a similarly situated beneficiary not eligible for medicare;

- (2) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund a contribution equal to an amount not less than the medicare part B premium, for each of the following who are enrolled in the medicare part B medical insurance plan: (A) an employee-beneficiary who is a retired employee, (B) an employee-beneficiary's spouse or civil union partner while the employee-beneficiary is living, and (C) an employee-beneficiary's spouse~~;~~ or civil union partner, after the death of the employee-beneficiary, if the spouse or civil union partner qualifies as an employee-beneficiary. For purposes of this section, a "retired employee" means retired members of the employees' retirement system; a county pension system; or a police, firefighters, or bandsmen pension system of the State or a county as set forth in chapter 88. If the amount reimbursed by the fund under this section is less than the actual cost of the medicare part B medical insurance plan due to an increase in the medicare part B medical insurance plan rate, the fund shall reimburse each employee-beneficiary and employee-beneficiary's spouse or civil union partner for the cost increase within thirty days of the rate change. Each employee-beneficiary and employee-beneficiary's spouse or civil union partner who becomes entitled to reimbursement from the fund for medicare part B premiums after July 1, 2006, shall designate a financial institution account into which the fund shall be authorized to deposit reimbursements. This method of payment may be waived by the fund if another method is determined to be more appropriate;
- (3) The benefits available under this plan, when combined with benefits available under medicare or any other coverage or plan to which this plan is subordinate under the National Association of Insurance Commissioners' coordination of benefit rules, shall approximate the benefits that would be provided to a similarly situated employee-beneficiary not eligible for medicare;
- (4) All employee-beneficiaries or dependent-beneficiaries who are eligible to enroll in the medicare part B medical insurance plan shall enroll in that plan as a condition of receiving contributions and participating in benefits plans under this chapter. This paragraph shall apply to retired employees, their spouses~~;~~ or civil union partners, and the surviving spouses or civil union partners of deceased retirees and employees killed in the performance of duty; and
- (5) The board shall determine which of the employee-beneficiaries and dependent-beneficiaries, who are not enrolled in the medicare part B medical insurance plan, may participate in the plans offered by the fund."

SECTION 11. Section 87A-32, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund a monthly contribution equal to the amount established under chapter 89C or specified in the applicable public sector collective bargaining agreements, whichever is appropriate, for each of their respective employee-beneficiaries and employee-beneficiaries with dependent-beneficiaries, which shall be used toward the payment of costs of a health benefits plan; provided that:

- (1) The monthly contribution shall be a specified dollar amount;
- (2) The monthly contribution shall not exceed the actual cost of a health benefits plan;
- (3) If both husband and wife, or both partners in a civil union, are employee-beneficiaries, the total contribution by the State or the county shall not exceed the monthly contribution for a family plan; and
- (4) If the State or any of the counties establish cafeteria plans in accordance with Title 26, United States Code section 125, the Internal Revenue Code of 1986, as amended, and part II of chapter 78, the monthly contribution for those employee-beneficiaries who

participate in a cafeteria plan shall be made through the cafeteria plan, and the payments made by the State or counties shall include their respective contributions to the fund and their employee-beneficiary's share of the cost of the employee-beneficiary's health benefits plan."

SECTION 12. Section 87A-33, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) Effective July 1, 2003, there is established a base monthly contribution for health benefit plans that the State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund, up to the following:

- (1) \$218 for each employee-beneficiary enrolled in supplemental medicare self plans;
- (2) \$671 for each employee-beneficiary enrolled in supplemental medicare family plans;
- (3) \$342 for each employee-beneficiary enrolled in non-medicare self plans; and
- (4) \$928 for each employee-beneficiary enrolled in non-medicare family plans.

The monthly contribution by the State or county shall not exceed the actual cost of the health benefits plan or plans. If both husband and wife, or both partners in a civil union, are employee-beneficiaries, the total contribution by the State or county shall not exceed the monthly contribution for a supplemental medicare family or non-medicare family plan, as appropriate.

(c) Effective July 1, 2004, there is established a base monthly contribution for health benefit plans that the State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund, up to the following:

- (1) \$254 for each employee-beneficiary enrolled in supplemental medicare self plans;
- (2) \$787 for each employee-beneficiary enrolled in supplemental medicare family plans;
- (3) \$412 for each employee-beneficiary enrolled in non-medicare self plans; and
- (4) \$1,089 for each employee-beneficiary enrolled in non-medicare family plans.

The monthly contribution by the State or county shall not exceed the actual cost of the health benefit plan or plans and shall not be required to cover increased benefits above those initially contracted for by the fund for plan year 2004-2005. If both husband and wife, or both partners in a civil union, are employee-beneficiaries, the total contribution by the State or county shall not exceed the monthly contribution for a supplemental medicare family or non-medicare family plan, as appropriate."

SECTION 13. Section 87A-34, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund a monthly contribution equal to one-half of the base monthly contribution set forth under section 87A-33(b) for retired employees enrolled in medicare or non-medicare health benefits plans. If both husband and wife, or both partners in a civil union, are employee-beneficiaries, the total contribution by the State or county shall not exceed the monthly contribution for supplemental medicare family or non-medicare family plan, as appropriate."

SECTION 14. Section 87A-35, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund:

- (1) For retired employees enrolled in medicare or non-medicare health benefit plans with ten or more years but fewer than fifteen years of service, a monthly contribution equal to one-half of the base monthly contribution set forth under section 87A-33(b); and

- (2) For retired employees enrolled in medicare or non-medicare health benefit plans with at least fifteen but fewer than twenty-five years of service, a monthly contribution of seventy-five per cent of the base monthly contribution set forth under section 87A-33(b).

If both husband and wife, or both partners in a civil union, are employee-beneficiaries, the total contribution by the State or county shall not exceed the monthly contribution for a supplemental medicare family or non-medicare family plan, as appropriate."

SECTION 15. Section 87A-36, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The State, through the department of budget and finance, and the counties, through their respective departments of finance, shall pay to the fund:

- (1) For retired employees based on the self plan with ten or more years but fewer than fifteen years of service, a monthly contribution equal to one-half of the base medicare or non-medicare monthly contribution set forth under section 87A-33(b);
- (2) For retired employees based on the self plan with at least fifteen but fewer than twenty-five years of service, a monthly contribution equal to seventy-five per cent of the base medicare or non-medicare monthly contribution set forth under section 87A-33(b);
- (3) For retired employees based on the self plan with twenty-five or more years of service, a monthly contribution equal to ~~one hundred~~ one hundred per cent of the base medicare or non-medicare monthly contribution set forth under section 87A-33(b); and
- (4) One-half of the monthly contributions for the employee-beneficiary or employee-beneficiary with dependent-beneficiaries upon the death of the employee, as defined in paragraph (1)(E) of the definition of "employee" in section 87A-1.

If both husband and wife, or both partners in a civil union, are employee-beneficiaries, the total contribution by the State or county shall not exceed the monthly contribution for two supplemental medicare self or non-medicare self plans, as appropriate."

SECTION 16. Section 88-1, Hawaii Revised Statutes, is amended to read as follows:

"§88-1 Restrictions. The provisions of this section shall be applicable to every pension and to every recipient or beneficiary thereof, granted or provided for by any special act of the legislature (other than benefits, or the recipients thereof, payable to beneficiaries or retirants of the employees' retirement system under parts II, VII, and VIII) whether the pension be payable by the State or by any county, or by any board, commission, bureau, department, or other agency thereof:

- (1) No recipient or beneficiary shall be permitted to draw any pension, or any portion thereof, in excess of \$50 per month, while the recipient or beneficiary is holding any salaried position or office in, under or by authority of the United States, the State, or any political subdivision thereof. This paragraph shall not apply to any recipient or beneficiary who is elected to the legislature or to the council of any county.
- (2) If the recipient or beneficiary is a surviving spouse [øf], reciprocal beneficiary, or civil union partner, the pension so granted shall cease when the surviving spouse [øf], reciprocal beneficiary, or civil union partner, remarries, marries, or enters into a new reciprocal beneficiary relationship[-] or civil union.
- (3) Any pension payable to any minor shall cease when the minor reaches the age of eighteen years.
- (4) If any recipient or beneficiary of a pension, having a spouse [øf], reciprocal beneficiary, or civil union partner at the time the pension was first granted to the recipient or beneficiary dies, then the spouse [øf], reciprocal beneficiary, or civil union partner, as long as the spouse [øf], reciprocal beneficiary, or civil union partner remains unmarried [øf], not in a reciprocal beneficiary relationship, or not in a civil union, shall be paid sixty per cent of the amount of the pension payable to the beneficiary."

SECTION 17. Section 88-4, Hawaii Revised Statutes, is amended to read as follows:

"§88-4 Medical aid, etc., when free. Every recipient of any retirement allowance or pension payable by the State or by any county or by any other governmental body or agency created by or under the laws of the State who is actually and solely dependent upon the recipient's retirement allowance or pension for the recipient's maintenance and support or whose total income in whatever form or from whatever source received, including but not limited to, the recipient's retirement allowance or pension and any income of the recipient's spouse [ø], reciprocal beneficiary, or civil union partner is less than \$2,400 a year shall, for the recipient and the recipient's spouse [ø], reciprocal beneficiary, or civil union partner, be entitled to free medical treatment from any government physician employed by the State or any county and to free hospitalization at any state hospital or at a hospital where county patients are treated at county expense in the county wherein the recipient resides.

Whenever a retirant or pensioner having a spouse [ø], reciprocal beneficiary, or civil union partner dies, then the spouse [ø], reciprocal beneficiary, or civil union partner shall be eligible for benefits under this section as long as the spouse [ø], reciprocal beneficiary, or civil union partner remains unmarried and does not enter into a new reciprocal beneficiary relationship[~~shall be eligible for benefits under this section~~] or civil union."

SECTION 18. Section 88-5, Hawaii Revised Statutes, is amended to read as follows:

"§88-5 List of pensioners, who shall provide. The proper department of each county shall determine who is entitled to benefits under section 88-4 and shall provide to any government physician employed by the State or any county, and any county hospital or a hospital where county patients are treated at county expense in the county wherein the pensioner or beneficiary resides, a current list of pensioners and their [{}spouses{}ø], reciprocal beneficiaries, or civil union partners who are entitled to benefits under section 88-4. Upon request, the state retirement system shall provide to the proper departments of each county such information as may be required to administer section 88-4."

SECTION 19. Section 88-83, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) No election by a member under this section shall take effect unless:

- (1) The spouse [ø], reciprocal beneficiary, or civil union partner of the member is furnished written notification that:
 - (A) Specifies the retirement date, the benefit option selected, and the beneficiary designated by the member;
 - (B) Provides information indicating the effect of the election; and
 - (C) Is determined adequate by rules adopted by the board in accordance with chapter 91;
- (2) The member selects option 2 or option 3 and designates the spouse [ø], reciprocal beneficiary, or civil union partner as the beneficiary; or
- (3) It is established to the satisfaction of the board that the notice required under paragraph (1) cannot be provided because:
 - (A) There is no spouse [ø], reciprocal beneficiary[;], or civil union partner;
 - (B) The spouse [ø], reciprocal beneficiary, or civil union partner cannot be located;
 - (C) The member has failed to notify the system that the member has a spouse [ø], reciprocal beneficiary, or civil union partner, or has failed to provide the system with the name and address of the member's spouse [ø], reciprocal beneficiary[;], or civil union partner; or
 - (D) Of other reasons, as established by board rules adopted in accordance with chapter 91.

Any notice provided to a spouse [ø], reciprocal beneficiary, or civil union partner, or determination that the notification of a spouse [ø], reciprocal beneficiary, or civil union partner, cannot be provided, shall be effective only with respect to that spouse[ø], reciprocal beneficiary[;], or civil union partner. The system will rely upon the representations made by a member as to whether the member has a spouse [ø], reciprocal beneficiary, or civil union partner and the

name and address of the member's spouse [ø], reciprocal beneficiary[;], or civil union partner.

(d) Each member, within a reasonable period of time before the member's retirement date, shall be provided a written explanation of:

- (1) The terms and conditions of the various benefit options;
- (2) The rights of the member's spouse [ø], reciprocal beneficiary, or civil union partner under subsection (c) to be notified of the member's election of a benefit option; and
- (3) The member's right to make, and the effect of, a revocation of an election of a benefit option."

SECTION 20. Section 88-84, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If the member's designation of beneficiary is void as specified in section 88-93, or if the member did not designate a beneficiary, there shall be payable:

- (1) To the surviving spouse [ø], reciprocal beneficiary, or civil union partner, a benefit as specified under subsection (a)(1), (2), or (3);
- (2) To the deceased member's children under age eighteen, if there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, an equally divided benefit as specified under subsection (a)(1); or
- (3) To the deceased member's estate, if there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner and no children under the age of eighteen, a benefit as specified under subsection (a)(1)."

SECTION 21. Section 88-85, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In the case of an accidental death as determined by the board pursuant to section 88-85.5, there shall be paid to the member's designated beneficiary or to the member's estate the amount of the member's accumulated contributions and there shall be paid in lieu of the ordinary death benefit payable under section 88-84, a pension of one-half of the average final compensation of the member:

- (1) To the surviving spouse [ø], reciprocal beneficiary, or civil union partner of the member to continue until the surviving spouse [ø], reciprocal beneficiary, or civil union partner remarries, marries, or enters into a new reciprocal beneficiary relationship[;] or civil union;
- (2) If there be no surviving spouse [ø], reciprocal beneficiary, or civil union partner, or if the surviving spouse [ø], reciprocal beneficiary, or civil union partner dies or remarries, marries, or enters into a new reciprocal beneficiary relationship or civil union before any child of the deceased member shall have attained the age of eighteen years, then to the deceased member's child or children under the age of eighteen, divided in the manner as the board in its discretion shall determine, to continue as a joint and survivor pension of one-half of the deceased member's final compensation until every child dies, or attains the age of eighteen; or
- (3) If there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, or child under the age of eighteen years surviving the deceased member, then to the deceased member's dependent father or dependent mother, as the deceased member shall have nominated by written designation duly acknowledged and filed with the board, or if there is no nomination, then to the deceased member's dependent father or to the deceased member's dependent mother as the board, in its discretion, shall direct to continue for life.

The pension shall be effective on the first day of the month following the member's death, except for the month of December, when benefits shall be effective on the first or last day of the month."

SECTION 22. Section 88-93, Hawaii Revised Statutes, is amended by amending the title and subsection (a) to read as follows:

"§88-93 Named beneficiaries by members and by former employees; effect of marriage, entry into reciprocal beneficiary relationship[;] or civil union, divorce, termination of reciprocal beneficiary relationship[;] or civil union, or death. (a) All written designations of beneficiaries for members and for former employees shall become null and void when:

- (1) The beneficiary predeceases the member or former employee;
- (2) The member or former employee is divorced from the beneficiary;
- (3) The member or former employee is unmarried, and subsequently marries; [or]
- (4) The member or former employee enters into or terminates a reciprocal beneficiary relationship[-]; or
- (5) The member or former employee enters into or terminates a civil union.

Any of the above events shall operate as a complete revocation of the designation and, except as provided in sections 88-84(b) and 88-338(b) all benefits payable by reason of the death of the member or former employee shall be payable to the member's or former employee's estate unless, after the death, divorce, or marriage, or entry into or termination of a reciprocal beneficiary relationship[-] or civil union, the member or former employee makes other provision in a written designation duly executed and filed with the board."

SECTION 23. Section 88-163, Hawaii Revised Statutes, is amended to read as follows:

"§88-163 Death benefits: funeral expenses; payments to dependents. (a) Upon the death of any member of the police force, fire department, or band, as a result of any injury received or disease contracted while in the performance of his duty, or when entitled to a pension under this part or who has been pensioned under this part there shall be paid, for funeral expenses, a sum not to exceed \$100. Should the deceased member leave a dependent widow [or], reciprocal beneficiary, or civil union partner and a child or children under the age of eighteen years, then there shall be paid out of the system \$50 per month to the widow until her death or remarriage, or to the reciprocal beneficiary or civil union partner until death, marriage, or entry into a new reciprocal beneficiary relationship or civil union, and \$7.50 per month to the widow [or], reciprocal beneficiary, or civil union partner for each child so long as the child shall reside with the widow [or], reciprocal beneficiary, or civil union partner or is supported by the widow [or], reciprocal beneficiary[-], or civil union partner. Upon the death of such widow [or], reciprocal beneficiary, or civil union partner, or in the event the deceased member leaves no widow [or], reciprocal beneficiary, or civil union partner, but a child or children under the age of eighteen years, then there shall be paid out of the system \$50 per month to the child or children of the deceased member under the age of eighteen years with each child, if there be more than one, receiving an equal share of the \$50 per month payment plus \$7.50 per month. All payments to a child of a deceased member provided for herein shall cease when he or she arrives at the age of eighteen years.

(b) If any member of the police force, fire department, or band, dies not leaving a widow [or], reciprocal beneficiary, or civil union partner, but leaving a father or mother dependent upon him, the father or mother [(-), but not both(-) shall], upon satisfactory proof of dependency being made to the board of trustees, shall receive from the system a sum not exceeding \$50 per month. The board shall determine whether the father or mother is dependent and how much of the amount herein provided for shall be paid to him or her. If there be no widow [or], reciprocal beneficiary, or civil union partner, and no child and no father or mother, but dependent brothers or sisters, then such pension shall be paid to them in such sums as shall not exceed the aggregate amount of \$30 per month. All pensions authorized as provided in this subsection shall be subject to reduction by the board of trustees whenever, in its judgment, circumstances make it reasonable, fair, or necessary. All pensions so reduced may thereafter be restored or further reduced as the board may deem best.

(c) On the remarriage or entry into a new reciprocal beneficiary relationship or civil union of any widow [or], reciprocal beneficiary, or civil union partner entitled to the benefits of any sum, or in the event of any father or mother, brothers or sisters ceasing to be dependents then the payments to them shall cease."

SECTION 24. Section 88-189, Hawaii Revised Statutes, is amended to read as follows:

"§88-189 Widow's, widower's, [and] reciprocal beneficiary's, and civil union partner's pensions. The widow and widower [or], reciprocal beneficiary, or civil union partner of any deceased man or woman, who have been previously granted or are found subsequent to his or her death to

have been entitled to a pension under this part, or to have had ten or more years of service although he or she had not reached the age of sixty years, shall be eligible for a pension equal to the same amount, including all the bonuses provided in section 88-11, and all other benefits, that the said deceased was receiving or entitled to receive at the time of his or her death, and all future benefits deriving thereto, so long as the widow, widower, [or] reciprocal beneficiary, or civil union partner remains unmarried or has not entered into a new reciprocal beneficiary relationship[-] or civil union."

SECTION 25. Section 88-283, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) No election by a member under this section shall take effect unless:

- (1) The spouse [or], reciprocal beneficiary, or civil union partner of the member is furnished written notification that:
 - (A) Specifies the retirement date, the benefit option selected, and the beneficiary designated by the member;
 - (B) Provides information indicating the effect of the election; and
 - (C) Is determined adequate by rules adopted by the board in accordance with chapter 91;
- (2) The member selects option A or option B and designates the spouse [or], reciprocal beneficiary, or civil union partner as the beneficiary; or
- (3) It is established to the satisfaction of the board that the notice required under paragraph (1) cannot be provided because:
 - (A) There is no spouse [or], reciprocal beneficiary[-], or civil union partner;
 - (B) The spouse [or], reciprocal beneficiary, or civil union partner cannot be located;
 - (C) The member has failed to notify the system that the member has a spouse [or], reciprocal beneficiary, or civil union partner, or has failed to provide the system with the name and address of the member's spouse [or], reciprocal beneficiary[-], or civil union partner; or
 - (D) Of other reasons, as established by board rules adopted in accordance with chapter 91.

Any notice provided to a spouse [or], reciprocal beneficiary, or civil union partner, or determination that the notification of a spouse [or], reciprocal beneficiary, or civil union partner cannot be provided, shall be effective only with respect to that spouse [or], reciprocal beneficiary[-], or civil union partner. The system shall rely upon the representations made by a member as to whether the member has a spouse [or], reciprocal beneficiary, or civil union partner and the name and address of the member's spouse [or], reciprocal beneficiary[-], or civil union partner.

(d) Each member, within a reasonable period of time before the member's retirement date, shall be provided a written explanation of:

- (1) The terms and conditions of the various benefit options;
- (2) The rights of the member's spouse [or], reciprocal beneficiary, or civil union partner under subsection (c) to be notified of the member's election of a benefit option; and
- (3) The member's right to make, and the effect of, a revocation of an election of a benefit option."

SECTION 26. Section 88-286, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

"(a) The surviving spouse [or], reciprocal beneficiary, or civil union partner and children under the age of eighteen of a member at the time of the member's death shall be eligible for a death benefit if the member suffers either:

- (1) An ordinary death after accumulating ten years of credited service and the member dies:
 - (A) While in service; or
 - (B) While on authorized leave without pay; or
 - (2) An accidental death.
- (b) In the case of ordinary death, the death benefit shall be as follows:

- (1) For the surviving spouse [ø], reciprocal beneficiary, or civil union partner, an allowance equal to one-half of the member's accrued maximum retirement allowance unreduced for age, payable until remarriage, marriage, or entry into a new reciprocal beneficiary relationship[;] or civil union, as if the member had retired on the first day of a month following the member's death, except for the month of December when retirement on the first or last day of the month shall be allowed; and for each child under the age of eighteen an allowance equal to ten per cent of the member's accrued maximum retirement allowance unreduced for age, payable until the child attains age eighteen; provided that the aggregate death benefits for all the children under the age of eighteen shall not exceed twenty per cent of the member's accrued retirement allowance unreduced for age; or
- (2) For the surviving spouse [ø], reciprocal beneficiary, or civil union partner, if the member was eligible for retirement at the time of death in service, and death occurred after June 30, 1990, an allowance that would have been payable as if the member had retired on the first day of a month following the member's death, except for the month of December when retirement on the first or last day of the month shall be allowed and had elected to receive a retirement allowance under option B of section 88-283; and
- (3) If there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, each child under the age of eighteen shall receive an allowance equal to twenty per cent of the member's accrued maximum retirement allowance unreduced for age, payable on the first day of a month following the member's death, except for the month of December when retirement on the first or last day of the month shall be allowed, until the child attains age eighteen; provided that the aggregate death benefits for all the children under the age of eighteen shall not exceed forty per cent of the member's accrued maximum retirement allowance unreduced for age.

For the purpose of determining eligibility for the ordinary death benefit, a year round school employee shall be considered in service during the July and August preceding a transfer to a traditional school schedule if the employee was in service for the entire prior school year and has a contract for the upcoming traditional school year. The application for ordinary death benefits shall be filed no later than three years from the date of the member's death.

(c) In the case of accidental death as determined by the board pursuant to section 88-85.5, the death benefit shall be effective on the first day of the month following the member's death, except for the month of December when retirement on the first or last day of the month shall be allowed, as follows:

- (1) For the surviving spouse [ø], reciprocal beneficiary, or civil union partner, an allowance equal to thirty per cent of the member's average final compensation, payable until remarriage, marriage, or upon entry into a new reciprocal beneficiary relationship[;] or civil union;
- (2) If there is a surviving spouse [ø], reciprocal beneficiary, or civil union, each child under the age of eighteen shall receive an allowance equal to the greater of:
 - (A) Ten per cent of the member's accrued maximum retirement allowance unreduced for age; provided that the aggregate death benefits for all the children under the age of eighteen shall not exceed twenty per cent of the member's accrued maximum retirement allowance unreduced for age; or
 - (B) Three per cent of the member's average final compensation; provided that the aggregate death benefits for all the children under the age of eighteen shall not exceed six per cent of the member's average final compensation.

The death benefit under this paragraph shall be payable to each child until the child attains age eighteen; and

- (3) If there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, each child under the age of eighteen shall receive an allowance equal to the greater of:
 - (A) Twenty per cent of the member's accrued maximum retirement allowance unreduced for age; provided that the aggregate death

benefits for all the children under the age of eighteen shall not exceed forty per cent of the member's accrued maximum retirement allowance unreduced for age; or

- (B) Six per cent of the member's average final compensation; provided that the aggregate death benefits for all the children under the age of eighteen shall not exceed twelve per cent of the member's average final compensation.

The death benefit under this paragraph shall be payable to each child until the child attains age eighteen."

SECTION 27. Section 88-333, Hawaii Revised Statutes, is amended by amending subsections (e) and (f) to read as follows:

"(e) No election by a member under this section shall take effect unless:

- (1) The spouse [ø], reciprocal beneficiary, or civil union partner of the member is furnished written notification that:
 - (A) Specifies the retirement date, the benefit option selected, and the beneficiary designated by the member;
 - (B) Provides information indicating the effect of the election; and
 - (C) Is determined adequate by rules adopted by the board in accordance with chapter 91;
- (2) The member selects option 2 or option 3 under section 88-83 and designates the spouse [ø], reciprocal beneficiary, or civil union partner as the beneficiary; or
- (3) It is established to the satisfaction of the board that the notice required under paragraph (1) cannot be provided because:
 - (A) There is no spouse [ø], reciprocal beneficiary[;], or civil union partner;
 - (B) The spouse [ø], reciprocal beneficiary, or civil union partner cannot be located;
 - (C) The member has failed to notify the system that the member has a spouse [ø], reciprocal beneficiary, or civil union partner, or has failed to provide the system with the name and address of the member's spouse [ø], reciprocal beneficiary[;], or civil union partner; or
 - (D) Of other reasons, as established by board rules adopted in accordance with chapter 91.

Any notice provided to a spouse [ø], reciprocal beneficiary, or civil union partner, or determination that the notification of a spouse [ø], reciprocal beneficiary, or civil union partner cannot be provided shall be effective only with respect to that spouse or reciprocal beneficiary. The system shall rely upon the representations made by a member as to whether the member has a spouse [ø], reciprocal beneficiary, or civil union partner and the name and address of the member's spouse [ø], reciprocal beneficiary[;], or civil union partner.

(f) Each member, within a reasonable period of time before the member's retirement date, shall be provided a written explanation of:

- (1) The terms and conditions of the various benefit options;
- (2) The rights of the member's spouse [ø], reciprocal beneficiary, or civil union partner under subsection (e) to be notified of the member's election of a benefit option; and
- (3) The member's right to make, and the effect of, a revocation of an election of a benefit option."

SECTION 28. Section 88-338, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If the member's designation of beneficiary is void as specified in section 88-93, or if the member did not designate a beneficiary, the death benefit in the case of ordinary death shall be payable:

- (1) To the surviving spouse [ø], reciprocal beneficiary, or civil union partner, a benefit as specified under subsection (a);
- (2) To the deceased member's children under age eighteen, if there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, an equally divided benefit as specified under paragraph (1) or (2) of subsection (a); or

- (3) To the deceased member's estate, if there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, or children under the age of eighteen, a benefit as specified under paragraph (1) or (2) of subsection (a)."

SECTION 29. Section 88-339, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In the case of an accidental death as determined by the board pursuant to section 88-85.5, there shall be paid to the member's designated beneficiary or to the member's estate the amount of the member's accumulated contributions and there shall be paid in lieu of the ordinary death benefit payable under section 88-338 a pension of one-half of the average final compensation of the member:

- (1) To the surviving spouse [ø], reciprocal beneficiary, or civil union partner of the member to continue until the surviving spouse [ø], reciprocal beneficiary, or civil union partner remarries, marries, or enters into a new reciprocal beneficiary relationship [i] or civil union;
- (2) If there be no surviving spouse [ø], reciprocal beneficiary, or civil union partner, or if the surviving spouse [ø], reciprocal beneficiary, or civil union partner dies or remarries, marries, or enters into a new reciprocal beneficiary relationship or civil union before any child of the deceased member shall have attained the age of eighteen years, then to the deceased member's child or children under that age, divided in a manner as the board in its discretion shall determine, to continue as a joint and survivor pension of one-half of the deceased member's final compensation until every child dies, or attains that age; or
- (3) If there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner and no child under the age of eighteen years surviving the deceased member, then to the deceased member's dependent father or dependent mother, as the deceased member shall have nominated by written designation duly acknowledged and filed with the board, or if there is no nomination, then to the deceased member's dependent father or to the deceased member's dependent mother as the board, in its discretion, shall direct to continue for life.

The pension shall be effective on the first day of the month following the member's death, except for the month of December, when benefits shall be effective on the first or last day of the month."

SECTION 30. Section 105-2, Hawaii Revised Statutes, is amended to read as follows:

"§105-2 **Exceptions.** Section 105-1 shall not apply to:

- (1) The governor;
- (2) The mayor of any county;
- (3) Any member of a police department or a fire department or of the staff of a hospital, or any officer or employee of the board of water supply of the city and county of Honolulu, when using a motor vehicle for a personal purpose incidental to the person's service or work (but not for pleasure);
- (4) Any officer or employee of the State who, upon written recommendation of the comptroller, is given written permission by the governor to use, operate, or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the State;
- (5) Any officer or employee of any county who, upon written recommendation of the budget director, is given written permission by the mayor, to use, operate or drive for personal use (but not for pleasure) any motor vehicle owned or controlled by the county;
- (6) Any officer or employee of the State, or of any county, who, in case of emergency, because of the person's illness, or the person's incapacity caused by accident while at work, or because of the illness of a member of the person's immediate family including a reciprocal beneficiary or civil union partner while the person is at work, is conveyed in a motor vehicle to the person's place of abode, or to a hospital or other place, but every such use of such a motor vehicle shall be certified to by the officer or by the head of the department, commission, board, bureau, agency, or instrumentality controlling or possessing the motor vehicle immediately thereafter,

and the certificate shall be forthwith filed with the comptroller, in the case of the State, or with the budget director, in the case of a county; and

- (7) The assigned driver of a Van Go Hawaii vehicle or any other state ridesharing program vehicle."

SECTION 31. Section 111-2, Hawaii Revised Statutes, is amended by amending the definition of "family" to read as follows:

""Family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, civil union, adoption, or legal guardianship."

SECTION 32. Section 171-74, Hawaii Revised Statutes, is amended to read as follows:

"§171-74 **Qualifications of lessees.** To qualify for a residential lease under this part, the lessee shall:

- (1) Be of legal age and have at least one person, related to the lessee by blood or marriage and solely dependent upon the lessee for support, who will occupy the premises with the lessee; provided that this requirement shall not apply to a husband and wife [ø-tø], reciprocal beneficiaries, or civil union partners, who are joint lessees, even if both are employed;
- (2) Be a citizen and a resident of the State for not less than five years immediately preceding the issuance of the lease;
- (3) Have a gross income not in excess of \$20,000 a year, including the gross income of the lessee's spouse [ø], reciprocal beneficiary [i], or civil union partner. In determining gross income, the standard income tax exemption for each of the lessee's dependents, as determined by the income tax laws of the State, shall be allowed; and
- (4) Have such other qualifications as may be established by the board of land and natural resources.

Any person who, after taking a residential lease, through change or circumstances, loses the qualifications initially required of the person or becomes disqualified to take a residential lease, shall not thereby be required to surrender the person's residential lease, but shall be entitled to continue to hold the same."

SECTION 33. Section 171-99, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Assignment; certificate of occupation or homestead lease. No existing certificate of occupation or existing homestead lease, or fractional interest thereof, shall be transferable or assignable except by conveyance, devise, bequest, or intestate succession and with the prior approval of the board of land and natural resources; provided that transfer or assignment by conveyance, devise, or bequest shall be limited to a member or members of the occupier's or lessee's family.

For the purposes of this section, "family" means the spouse, reciprocal beneficiary, civil union partner, children, parents, siblings, grandparents, grandchildren, nieces, nephews, a parent's siblings, children of a parent's siblings, and grandchildren of a parent's siblings, of the occupier or lessee.

All the successors shall be subject to the performance of the unperformed conditions of the certificate of occupation or the homestead lease."

SECTION 34. Section 209-28, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Personal loans may be made for the purpose of meeting necessary expenses or to satisfy serious needs of individuals and families including reciprocal beneficiaries [which] and civil union partners that arose as an immediate and direct result of a disaster."

SECTION 35. Section 209-29, Hawaii Revised Statutes, is amended to read as follows:

"§209-29 **Eligibility for loans.** Loans may be made to individuals, partnerships, corporations, cooperatives, or other business associations, but only if the applicant:

- (1) Suffered loss of or damage to property in a rehabilitation area as a result of a state disaster;

- (2) For a commercial loan, had operated an industrial, manufacturing, processing, wholesaling, or retailing business, or professional or service business, or building rental business, immediately before the disaster;
- (3) Presents a suitable program for:
 - (A) Rehabilitation or re-establishment of the applicant's business to its predisaster level when applying for a commercial loan; or
 - (B) Meeting necessary expenses and satisfying the serious needs of the applicant and the applicant's family including reciprocal beneficiary and civil union partner when applying for a personal loan;
- (4) Has reasonable ability to repay the loan; and
- (5) For a commercial loan, presents written evidence that the Small Business Administration had declined an application for financial assistance under the Small Business Administration Disaster Loan Program or has reduced the amount of the loan request; provided that the declination was not due to the applicant's having sufficient financial resources to rehabilitate the applicant; or
- (6) For a commercial loan, cannot secure any loans from the Small Business Administration Disaster Loan Program because the making of the loans is not covered by the program, and the director of business, economic development, and tourism is reasonably satisfied that the applicant is not able to secure loans from private lending institutions and does not have sufficient financial resources to rehabilitate the applicant.

Paragraph (6) shall be applied in the alternative with respect to paragraph (5) of this section."

SECTION 36. Section 231-57, Hawaii Revised Statutes, is amended to read as follows:

"[§231-57] **Apportionment of joint refunds.** In the case of a setoff against a joint income tax refund, the State may make separate refunds of withheld taxes upon request by a husband or wife, or partner in a civil union, who has filed the joint return. The refund payable to each spouse or civil union partner shall be proportioned to the gross earnings of each shown by the information returns filed by the employer or otherwise shown to the satisfaction of the State."

SECTION 37. Section 235-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"'Civil union partner' or 'partners in a civil union' means two adults who are parties to a valid civil union and meet the requisites for a valid civil union as provided in section A-2."

SECTION 38. Section 235-2.4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Section 63 (with respect to taxable income defined) of the Internal Revenue Code shall be operative for the purposes of this chapter, subject to the following:

- (1) Sections 63(c)(1)(B) (relating to the additional standard deduction), 63(c)(1)(C) (relating to the real property tax deduction), 63(c)(1)(D) (relating to the disaster loss deduction), 63(c)(1)(E) (relating to the motor vehicle sales tax deduction), 63(c)(4) (relating to inflation adjustments), 63(c)(7) (defining the real property tax deduction), 63(c)(8) (defining the disaster loss deduction), 63(c)(9) (defining the motor vehicle sales tax deduction), and 63(f) (relating to additional amounts for the aged or blind) of the Internal Revenue Code shall not be operative for purposes of this chapter;
- (2) Section 63(c)(2) (relating to the basic standard deduction) of the Internal Revenue Code shall be operative, except that the standard deduction amounts provided therein shall instead mean:
 - (A) \$4,400 in the case of:
 - (i) A joint return as provided by section 235-93; or
 - (ii) A surviving spouse (as defined in section 2(a) of the Internal Revenue Code)[;] or surviving partner in a civil union;
 - (B) \$3,212 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);

(C) \$2,200 in the case of an individual who is not married or not in a civil union, and who is not a surviving spouse, a surviving partner in a civil union, or head of household; or

(D) \$2,200 in the case of a married individual or civil union partner filing a separate return;

(3) Section 63(c)(5) (limiting the basic standard deduction in the case of certain dependents) of the Internal Revenue Code shall be operative, except that the limitation shall be the greater of \$500 or such individual's earned income; and

(4) The standard deduction amount for nonresidents shall be calculated pursuant to section 235-5."

SECTION 39. Section 235-4, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) Nonresidents. In the case of a nonresident, the tax applies to the income received or derived from property owned, personal services performed, trade, or business carried on, and any and every other source in the State.

In the case of a nonresident spouse or civil union partner filing a joint return with a resident spouse[,], or civil union partner, the tax applies to the entire income of the nonresident spouse or civil union partner computed without regard to source in the State.

(c) Change of status. Except where a joint return is filed, when the status of a taxpayer changes during the taxable year from resident to nonresident, or from nonresident to resident, the tax imposed by this chapter applies to the entire income earned during the period of residence in the manner provided in subsection (a) [~~of this section~~] and during the period of nonresidence the tax shall apply upon the income received or derived as a nonresident in the manner provided in subsection (b) [~~of this section~~]; provided that if it cannot be determined whether income was received or derived during the period of residence or during the period of nonresidence, there shall be attributed to the State [~~such~~] the portion of the income as is determined by applying to [~~such~~] the income for the whole taxable year the ratio which the period of residence in the State bears to the whole taxable year, unless the taxpayer shows to the satisfaction of the department of taxation that the result is to attribute to the state income, dependent upon residence, received or derived during the period of nonresidence, in which event the amount of income as to which such showing is made shall be excluded.

The apportionment of income provided by this subsection shall not apply where one spouse or civil union partner is a resident of this State and a joint return is filed with the nonresident spouse or civil union partner in which event the tax shall be computed on their aggregate income in the manner provided in section 235-52 without regard to source in the State. Where, however, both spouses or both partners in a civil union change their status from resident to nonresident or from nonresident to resident, their income shall be apportioned in the manner provided in this subsection."

SECTION 40. Section 235-5.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) There shall be allowed as a deduction from gross income the amount, not to exceed \$5,000, paid in cash during the taxable year by an individual taxpayer to an individual housing account established for the individual's benefit to provide funding for the purchase of the individual's first principal residence. A deduction not to exceed \$10,000 shall be allowed for a married couple or partners in a civil union filing a joint return. No deduction shall be allowed on any amounts distributed less than three hundred sixty-five days from the date on which a contribution is made to the account. Any deduction claimed for a previous taxable year for amounts distributed less than three hundred sixty-five days from the date on which a contribution was made shall be disallowed and the amount deducted shall be included in the previous taxable year's gross income and the tax reassessed. The interest paid or accrued within the taxable year on the account shall not be included in the individual's gross income. For purposes of this section, the term "first principal residence" means a residential property purchased with the payment or distribution from the individual housing account which shall be owned and occupied as the only home by an individual who did not have any interest in, individually, or

whose spouse or civil union partner did not have any interest in, if the individual is married[;] or in a civil union, a residential property within the last five years of opening the individual housing account.

In the case of a married couple or partners in a civil union filing separate returns, the sum of the deductions allowable to each of them for the taxable year shall not exceed \$5,000, or \$10,000 for a joint return, for amounts paid in cash, excluding interest paid or accrued thereon.

The amounts paid in cash allowable as a deduction under this section to an individual for all taxable years shall not exceed \$25,000, excluding interest paid or accrued. In the case of married individuals or civil union partners having separate individual housing accounts, the sum of the separate accounts and the deduction under this section shall not exceed \$25,000, excluding interest paid or accrued thereon.

(b) For purposes of this section, the term "individual housing account" means a trust created or organized in Hawaii for the exclusive benefit of an individual, or, in the case of a married individual[;] or a partner in a civil union, for the exclusive benefit of the individual and spouse or civil union partner jointly, but only if the written governing instrument creating the trust meets the following requirements:

- (1) Contributions shall not be accepted for the taxable year in excess of \$5,000 (or \$10,000 in the case of a joint return) or in excess of \$25,000 for all taxable years, exclusive of interest paid or accrued;
- (2) The trustee is a bank, a savings and loan association, a credit union, or a depository financial services loan company, chartered, licensed, or supervised under federal or state law, whose accounts are insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration, or any agency of this State or any federal agency established for the purpose of insuring accounts in these financial institutions. The financial institution must actively make residential real estate mortgage loans in Hawaii;
- (3) The assets of the trust shall be invested only in fully insured savings or time deposits. Funds held in the trust may be commingled for purposes of investment, but individual records shall be maintained by the trustee for each individual housing account holder which show all transactions in detail;
- (4) The entire interest of an individual [ø], married couple, or civil union partners for whose benefit the trust is maintained shall be distributed to the individual [ø], married couple, or civil union partners not later than one hundred twenty months after the date on which the first contribution is made to the trust;
- (5) Except as provided in subsection (g), the trustee shall not distribute the funds in the account unless it (A) verifies that the money is to be used for the purchase of a first principal residence located in Hawaii, and provides that the instrument of payment is payable to the mortgagor, construction contractor, or other vendor of the property purchased; or (B) withholds an amount equal to ten per cent of the amount withdrawn from the account and remits this amount to the director within ten days after the date of the withdrawal. The amount so withheld shall be applied to the liability of the taxpayer under subsections (c) and (e); and
- (6) If any amounts are distributed before the expiration of three hundred sixty-five days from the date on which a contribution is made to the account, the trustee shall so notify in writing the taxpayer and the director. If the trustee makes the verification required in paragraph (5)(A), then the department shall disallow the deduction under subsection (a) and subsections (c), (e), and (f) shall not apply to that amount. If the trustee withholds an amount under paragraph (5)(B), then the department shall disallow the deduction under subsection (a) and subsection (e) shall apply, but subsection (c) shall not apply."

2. By amending subsections (g) and (h) to read:

"(g) No tax liability shall be imposed under this section if:

- (1) The payment or distribution is attributable to the individual dying or becoming totally disabled; or
- (2) Residential property subject to subsection (f) is transferred by will or by operation of law or sold due to the death or total disability of an individual or individual's spouse[;] or civil union partner,

subject to the following:

An individual shall not be considered to be totally disabled unless proof is furnished of the total disability in the form and manner as the director may require.

Upon the death of an individual for whose benefit an individual housing account has been established, the funds in the account shall be payable to the estate of the individual; provided that if the account was held jointly by the decedent and a spouse or civil union partner of the decedent, the account shall terminate and be paid to the surviving spouse[;] or civil union partner; or, if the surviving spouse or civil union partner so elects, the spouse or civil union partner may continue the account as an individual housing account. Upon the total disability of an individual for whose benefit an individual housing account has been established, the individual or the individual's authorized representative may elect to continue the account or terminate the account and be paid the assets; provided that if the account was held jointly by a totally disabled person and a spouse or civil union partner of that person, then the spouse or civil union partner, or an authorized representative, may elect to continue the account or terminate the account and be paid the assets.

(h) If the individual for whose benefit the individual housing account was established subsequently marries or enters into a civil union with a person who has or has had any interest in residential property, the individual's housing account shall be terminated, the funds therein shall be distributed to the individual, and the amount of the funds shall be includable in the individual's gross income for the taxable year in which [sueh] the marriage or civil union took place; provided that the tax liability defined under subsection (f) shall not be imposed."

SECTION 41. Section 235-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There shall be excluded from gross income, adjusted gross income, and taxable income:

- (1) Income not subject to taxation by the State under the Constitution and laws of the United States;
- (2) Rights, benefits, and other income exempted from taxation by section 88-91, having to do with the state retirement system, and the rights, benefits, and other income, comparable to the rights, benefits, and other income exempted by section 88-91, under any other public retirement system;
- (3) Any compensation received in the form of a pension for past services;
- (4) Compensation paid to a patient affected with Hansen's disease employed by the State or the United States in any hospital, settlement, or place for the treatment of Hansen's disease;
- (5) Except as otherwise expressly provided, payments made by the United States or this State, under an act of Congress or a law of this State, which by express provision or administrative regulation or interpretation are exempt from both the normal and surtaxes of the United States, even though not so exempted by the Internal Revenue Code itself;
- (6) Any income expressly exempted or excluded from the measure of the tax imposed by this chapter by any other law of the State, it being the intent of this chapter not to repeal or supersede any express exemption or exclusion;
- (7) Income received by each member of the reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States of America, and the Hawaii national guard as compensation for performance of duty, equivalent to pay received for forty-eight drills (equivalent of twelve weekends) and fifteen days of annual duty, at an:
 - (A) E-1 pay grade after eight years of service; provided that this subparagraph shall apply to taxable years beginning after December 31, 2004;
 - (B) E-2 pay grade after eight years of service; provided that this subparagraph shall apply to taxable years beginning after December 31, 2005;

- (C) E-3 pay grade after eight years of service; provided that this subparagraph shall apply to taxable years beginning after December 31, 2006;
- (D) E-4 pay grade after eight years of service; provided that this subparagraph shall apply to taxable years beginning after December 31, 2007; and
- (E) E-5 pay grade after eight years of service; provided that this subparagraph shall apply to taxable years beginning after December 31, 2008;
- (8) Income derived from the operation of ships or aircraft if the income is exempt under the Internal Revenue Code pursuant to the provisions of an income tax treaty or agreement entered into by and between the United States and a foreign country; provided that the tax laws of the local governments of that country reciprocally exempt from the application of all of their net income taxes, the income derived from the operation of ships or aircraft that are documented or registered under the laws of the United States;
- (9) The value of legal services provided by a prepaid legal service plan to a taxpayer, the taxpayer's spouse, the taxpayer's civil union partner, and the taxpayer's dependents;
- (10) Amounts paid, directly or indirectly, by a prepaid legal service plan to a taxpayer as payment or reimbursement for the provision of legal services to the taxpayer, the taxpayer's spouse, the taxpayer's civil union partner, and the taxpayer's dependents;
- (11) Contributions by an employer to a prepaid legal service plan for compensation (through insurance or otherwise) to the employer's employees for the costs of legal services incurred by the employer's employees, their spouses, their civil union partners, and their dependents;
- (12) Amounts received in the form of a monthly surcharge by a utility acting on behalf of an affected utility under section 269-16.3 shall not be gross income, adjusted gross income, or taxable income for the acting utility under this chapter. Any amounts retained by the acting utility for collection or other costs shall not be included in this exemption; and
- (13) One hundred per cent of the gain realized by a fee simple owner from the sale of a leased fee interest in units within a condominium project, cooperative project, or planned unit development to the association of owners under chapter 514A or 514B, or the residential cooperative corporation of the leasehold units.

For purposes of this paragraph:

"Fee simple owner" shall have the same meaning as provided under section 516-1; provided that it shall include legal and equitable owners;

"Legal and equitable owner", and "leased fee interest" shall have the same meanings as provided under section 516-1; and

"Condominium project" and "cooperative project" shall have the same meanings as provided under section 514C-1."

SECTION 42. Section 235-7.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) For purposes of this section, the parent whose taxable income shall be taken into account shall be:

- (1) In the case of parents who are not married (within the meaning of section 235-93), the custodial parent (within the meaning of section 152(e) (with respect to the support test in case of child of divorced parents, etc.) of the Internal Revenue Code) of the child, and
- (2) In the case of married individuals or civil union partners filing separately, the individual with the greater taxable income."

SECTION 43. Section 235-12.5, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(h) Notwithstanding subsection (g), for any renewable energy technology system, an individual taxpayer may elect to have any excess of the credit over payments due refunded to the taxpayer, if:

- (1) All of the taxpayer's income is exempt from taxation under section 235-7(a)(2) or (3); or

- (2) The taxpayer's adjusted gross income is \$20,000 or less (or \$40,000 or less if filing a tax return as married filing jointly);

provided that tax credits properly claimed by a taxpayer who has no income tax liability shall be paid to the taxpayer; and provided further that no refund on account of the tax credit allowed by this section shall be made for amounts less than \$1.

A husband and wife or partners in a civil union, who do not file a joint tax return shall only be entitled to make this election to the extent that they would have been entitled to make the election had they filed a joint tax return.

The election required by this subsection shall be made in a manner prescribed by the director on the taxpayer's return for the taxable year in which the system is installed and placed in service. A separate election may be made for each separate system that generates a credit. An election once made is irrevocable."

SECTION 44. Section 235-51, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) There is hereby imposed on the taxable income of (1) every taxpayer who files a joint return under section 235-93; and (2) every surviving spouse or surviving civil union partner; a tax determined in accordance with the following table:

In the case of any taxable year beginning after December 31, 2001:

If the taxable income is:	The tax shall be:
Not over \$4,000	1.40% of taxable income
Over \$4,000 but not over \$8,000	\$56.00 plus 3.20% of excess over \$4,000
Over \$8,000 but not over \$16,000	\$184.00 plus 5.50% of excess over \$8,000
Over \$16,000 but not over \$24,000	\$624.00 plus 6.40% of excess over \$16,000
Over \$24,000 but not over \$32,000	\$1,136.00 plus 6.80% of excess over \$24,000
Over \$32,000 but not over \$40,000	\$1,680.00 plus 7.20% of excess over \$32,000
Over \$40,000 but not over \$60,000	\$2,256.00 plus 7.60% of excess over \$40,000
Over \$60,000 but not over \$80,000	\$3,776.00 plus 7.90% of excess over \$60,000
Over \$80,000	\$5,356.00 plus 8.25% of excess over \$80,000.

In the case of any taxable year beginning after December 31, 2006:

If the taxable income is:	The tax shall be:
Not over \$4,800	1.40% of taxable income
Over \$4,800 but not over \$9,600	\$67.00 plus 3.20% of excess over \$4,800
Over \$9,600 but not over \$19,200	\$221.00 plus 5.50% of excess over \$9,600
Over \$19,200 but not over \$28,800	\$749.00 plus 6.40% of excess over \$19,200
Over \$28,800 but not over \$38,400	\$1,363.00 plus 6.80% of excess over \$28,800
Over \$38,400 but not over \$48,000	\$2,016.00 plus 7.20% of excess over \$38,400
Over \$48,000 but not over \$72,000	\$2,707.00 plus 7.60% of excess over \$48,000

Over \$72,000 but not over \$96,000	\$4,531.00 plus 7.90% of excess over \$72,000
Over \$96,000	\$6,427.00 plus 8.25% of excess over \$96,000.

In the case of any taxable year beginning after December 31, 2008:

If the taxable income is:	The tax shall be:
Not over \$4,800	1.40% of taxable income
Over \$4,800 but not over \$9,600	\$67.00 plus 3.20% of excess over \$4,800
Over \$9,600 but not over \$19,200	\$221.00 plus 5.50% of excess over \$9,600
Over \$19,200 but not over \$28,800	\$749.00 plus 6.40% of excess over \$19,200
Over \$28,800 but not over \$38,400	\$1,363.00 plus 6.80% of excess over \$28,800
Over \$38,400 but not over \$48,000	\$2,016.00 plus 7.20% of excess over \$38,400
Over \$48,000 but not over \$72,000	\$2,707.00 plus 7.60% of excess over \$48,000
Over \$72,000 but not over \$96,000	\$4,531.00 plus 7.90% of excess over \$72,000
Over \$96,000 but not over \$300,000	\$6,427.00 plus 8.25% of excess over \$96,000
Over \$300,000 but not over \$350,000	\$23,257.00 plus 9.00% of excess over \$300,000
Over \$350,000 but not over \$400,000	\$27,757.00 plus 10.00% of excess over \$350,000
Over \$400,000	\$32,757.00 plus 11.00% of excess over \$400,000."

2. By amending subsection (c) to read:

"(c) There is hereby imposed on the taxable income of (1) every unmarried individual (other than a surviving spouse, surviving civil union partner, or the head of a household) and (2) on the taxable income of every married individual or civil union partner who does not make a single return jointly with the individual's spouse or civil union partner under section 235-93 a tax determined in accordance with the following table:

In the case of any taxable year beginning after December 31, 2001:

If the taxable income is:	The tax shall be:
Not over \$2,000	1.40% of taxable income
Over \$2,000 but not over \$4,000	\$28.00 plus 3.20% of excess over \$2,000
Over \$4,000 but not over \$8,000	\$92.00 plus 5.50% of excess over \$4,000
Over \$8,000 but not over \$12,000	\$312.00 plus 6.40% of excess over \$8,000
Over \$12,000 but not over \$16,000	\$568.00 plus 6.80% of excess over \$12,000
Over \$16,000 but not over \$20,000	\$840.00 plus 7.20% of excess over \$16,000
Over \$20,000 but not over \$30,000	\$1,128.00 plus 7.60% of excess over \$20,000
Over \$30,000 but not over \$40,000	\$1,888.00 plus 7.90% of excess over \$30,000

Over \$40,000	\$2,678.00 plus 8.25% of excess over \$40,000.
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In the case of any taxable year beginning after December 31, 2006:

If the taxable income is:	The tax shall be:
Not over \$2,400	1.40% of taxable income
Over \$2,400 but not over \$4,800	\$34.00 plus 3.20% of excess over \$2,400
Over \$4,800 but not over \$9,600	\$110.00 plus 5.50% of excess over \$4,800
Over \$9,600 but not over \$14,400	\$374.00 plus 6.40% of excess over \$9,600
Over \$14,400 but not over \$19,200	\$682.00 plus 6.80% of excess over \$14,400
Over \$19,200 but not over \$24,000	\$1,008.00 plus 7.20% of excess over \$19,200
Over \$24,000 but not over \$36,000	\$1,354.00 plus 7.60% of excess over \$24,000
Over \$36,000 but not over \$48,000	\$2,266.00 plus 7.90% of excess over \$36,000
Over \$48,000	\$3,214.00 plus 8.25% of excess over \$48,000.

In the case of any taxable year beginning after December 31, 2008:

If the taxable income is:	The tax shall be:
Not over \$2,400	1.40% of taxable income
Over \$2,400 but not over \$4,800	\$34.00 plus 3.20% of excess over \$2,400
Over \$4,800 but not over \$9,600	\$110.00 plus 5.50% of excess over \$4,800
Over \$9,600 but not over \$14,400	\$374.00 plus 6.40% of excess over \$9,600
Over \$14,400 but not over \$19,200	\$682.00 plus 6.80% of excess over \$14,400
Over \$19,200 but not over \$24,000	\$1,008.00 plus 7.20% of excess over \$19,200
Over \$24,000 but not over \$36,000	\$1,354.00 plus 7.60% of excess over \$24,000
Over \$36,000 but not over \$48,000	\$2,266.00 plus 7.90% of excess over \$36,000
Over \$48,000 but not over \$150,000	\$3,214.00 plus 8.25% of excess over \$48,000
Over \$150,000 but not over \$175,000	\$11,629.00 plus 9.00% of excess over \$150,000
Over \$175,000 but not over \$200,000	\$13,879.00 plus 10.00% of excess over \$175,000
Over \$200,000	\$16,379.00 plus 11.00% of excess over \$200,000."

SECTION 45. Section 235-52, Hawaii Revised Statutes, is amended to read as follows:

"§235-52 Tax in case of joint return or return of surviving spouse[-] or surviving civil union partner. In the case of a joint return of a husband and wife or partners in a civil union under section 235-93, the tax imposed, as near as may be, by this chapter shall be twice the tax which would be imposed if the taxable income were cut in half. For purposes of

this section and section 235-53, a return of a surviving spouse, as defined in the Internal Revenue Code, or surviving civil union partner shall be treated as a joint return of a husband and wife or civil union partners under section 235-93."

SECTION 46. Section 235-54, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In computing the taxable income of any individual, there shall be deducted, in lieu of the personal exemptions allowed by the Internal Revenue Code of 1986, as amended, and except as provided in subsection (c), personal exemptions computed as follows: Ascertain the number of exemptions which the individual can lawfully claim under the Internal Revenue Code, add an additional exemption for the taxpayer or the taxpayer's spouse or civil union partner who is sixty-five years of age or older within the taxable year, and multiply that number by \$1,144, for taxable years beginning after December 31, 1984. A nonresident shall prorate the personal exemptions on account of income from sources outside the State as provided in section 235-5. In the case of an individual with respect to whom an exemption under this section is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the personal exemption amount applicable to such individual under this subsection for such individual's taxable year shall be zero."

SECTION 47. Section 235-55.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) Definitions of qualifying individual and employment-related expenses. For purposes of this section:

(1) Qualifying individual. The term "qualifying individual" means:

- (A) A dependent of the taxpayer who is under the age of thirteen and with respect to whom the taxpayer is entitled to a deduction under section 235-54(a),
- (B) A dependent of the taxpayer who is physically or mentally incapable of caring for oneself, or
- (C) The spouse or civil union partner of the taxpayer, if the spouse or civil union partner is physically or mentally incapable of caring for oneself.

(2) Employment-related expenses.

(A) In general. The term "employment-related expenses" means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed for any period for which there are one or more qualifying individuals with respect to the taxpayer:

- (i) Expenses for household services, and
- (ii) Expenses for the care of a qualifying individual.

Such term shall not include any amount paid for services outside the taxpayer's household at a camp where the qualifying individual stays overnight.

(B) Exception. Employment-related expenses described in subparagraph (A) which are incurred for services outside the taxpayer's household shall be taken into account only if incurred for the care of:

- (i) A qualifying individual described in paragraph (1)(A), or
- (ii) A qualifying individual (not described in paragraph (1)(A)) who regularly spends at least eight hours each day in the taxpayer's household.

(C) Dependent care centers. Employment-related expenses described in subparagraph (A) which are incurred for services provided outside the taxpayer's household by a dependent care center (as defined in subparagraph (D)) shall be taken into account only if:

- (i) Such center complies with all applicable laws, rules, and regulations of this State, if the center is located within the jurisdiction of this State; or

- (ii) Such center complies with all applicable laws, rules, and regulations of the jurisdiction in which the center is located, if the center is located outside the State; and

(iii) The requirements of subparagraph (B) are met.

(D) Dependent care center defined. For purposes of this paragraph, the term "dependent care center" means any facility which:

- (i) Provides care for more than six individuals (other than individuals who reside at the facility), and
- (ii) Receives a fee, payment, or grant for providing services for any of the individuals (regardless of whether such facility is operated for profit)."

2. By amending subsections (d) and (e) to read:

"(d) Earned income limitation.

(1) In general. Except as otherwise provided in this subsection, the amount of the employment-related expenses incurred during any taxable year which may be taken into account under subsection (a) shall not exceed:

(A) In the case of an individual who is not married or in a civil union at the close of [such] the year, [such] the individual's earned income for [such] the year, or

(B) In the case of an individual who is married or in a civil union at the close of [such] the year, the lesser of [such] the individual's earned income or the earned income of the individual's spouse or civil union partner for [such] the year.

(2) Special rule for spouse or civil union partner who is a student or incapable of caring for oneself. In the case of a spouse or civil union partner who is a student or a qualified individual described in subsection (b)(1)(C), for purposes of paragraph (1), [such] the spouse or civil union partner shall be deemed for each month during which [such] the spouse or civil union partner is a full-time student at an educational institution, or is [such] a qualifying individual, to be gainfully employed and to have earned income of not less than:

- (A) \$200 if subsection (c)(1) applies for the taxable year, or
- (B) \$400 if subsection (c)(2) applies for the taxable year.

In the case of any husband and wife, or partners in a civil union, this paragraph shall apply with respect to only one spouse or civil union partner for any one month.

(e) Special rules. For purposes of this section:

(1) Maintaining household. An individual shall be treated as maintaining a household for any period only if over half the cost of maintaining the household for the period is furnished by the individual (or, if the individual is married or in a civil union during the period, is furnished by the individual and the individual's spouse[-] or civil union partner).

(2) Married couples and partners in a civil union must file joint return. If the taxpayer is married or in a civil union at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse or civil union partner file a joint return for the taxable year.

(3) Marital status. An individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(4) Certain married individuals living apart. If:

(A) An individual who is married and who files a separate return:

- (i) Maintains as the individual's home a household that constitutes for more than one-half of the taxable year the principal place of abode of a qualifying individual, and
- (ii) Furnishes over half of the cost of maintaining the household during the taxable year, and

(B) During the last six months of the taxable year the individual's spouse is not a member of the household,

the individual shall not be considered as married.

(5) Special dependency test in case of divorced parents, etc. If:

(A) Paragraph (2) or (4) of section 152(e) of the Internal Revenue Code of 1986, as amended, applies to any child with respect to any calendar year, and

(B) The child is under age thirteen or is physically or mentally incompetent of caring for the child's self,

in the case of any taxable year beginning in the calendar year, the child shall be treated as a qualifying individual described in subsection (b)(1)(A) or (B) (whichever is appropriate) with respect to the custodial parent (within the meaning of section 152(e)(1) of the Internal Revenue Code of 1986, as amended), and shall not be treated as a qualifying individual with respect to the noncustodial parent.

(6) Payments to related individuals. No credit shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual:

(A) With respect to whom, for the taxable year, a deduction under section 151(c) of the Internal Revenue Code of 1986, as amended (relating to deduction for personal exemptions for dependents) is allowable either to the taxpayer or the taxpayer's spouse, or

(B) Who is a child of the taxpayer (within the meaning of section 151(c)(3) of the Internal Revenue Code of 1986, as amended) who has not attained the age of nineteen at the close of the taxable year.

For purposes of this paragraph, the term "taxable year" means the taxable year of the taxpayer in which the service is performed.

(7) Student. The term "student" means an individual who, during each of five calendar months during the taxable year, is a full-time student at an educational organization.

(8) Educational organization. The term "educational organization" means a school operated by the department of education under chapter 302A, an educational organization described in section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1986, as amended, or a university, college, or community college.

(9) Identifying information required with respect to service provider. No credit shall be allowed under subsection (a) for any amount paid to any person unless:

(A) The name, address, taxpayer identification number, and general excise tax license number of the person are included on the return claiming the credit,

(B) If the person is located outside the State, the name, address, and taxpayer identification number, if any, of the person and a statement indicating that the service provider is located outside the State and that the general excise tax license and, if applicable, the taxpayer identification numbers are not required, or

(C) If the person is an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of the Internal Revenue Code, the name and address of the person are included on the return claiming the credit.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence shall not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required."

SECTION 48. Section 235-55.7, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The tax credits shall be deductible from the taxpayer's individual net income tax for the tax year in which the credits are properly claimed; provided that a husband and wife or partners in a civil union filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credits to which they would have been entitled had a joint return been filed. In the event the allowed tax credits exceed the amount of the income tax payments due from the taxpayer, the excess of credits over payments due shall be refunded to the taxpayer; provided that allowed tax credits properly claimed by an individual who has no income tax liability shall be paid to the individual; and provided

further that no refunds or payments on account of the tax credits allowed by this section shall be made for amounts less than \$1."

SECTION 49. Section 235-55.85, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Each resident individual taxpayer may claim a refundable food/excise tax credit multiplied by the number of qualified exemptions to which the taxpayer is entitled in accordance with the table below; provided that a husband and wife or partners in a civil union filing separate tax returns for a taxable year for which a joint return could have been filed by them shall claim only the tax credit to which they would have been entitled had a joint return been filed.

Adjusted gross income:	Credit per exemption:
Under \$5,000	\$85
\$5,000 under \$10,000	75
\$10,000 under \$15,000	65
\$15,000 under \$20,000	55
\$20,000 under \$30,000	45
\$30,000 under \$40,000	35
\$40,000 under \$50,000	25
\$50,000 and over	0."

SECTION 50. Section 235-61, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

"(c) For each withholding period (whether weekly, biweekly, monthly, or otherwise) the amount of tax to be withheld under this section shall be at a rate which, for the taxable year, will yield the tax imposed by section 235-51 upon each employee's annual wage, as estimated from the employee's current wage in any withholding period, but for the purposes of this subsection of the rates provided by section 235-51 the maximum to be taken into consideration shall be eight per cent. The tax for the taxable year shall be calculated upon the following assumptions:

(1) That the employee's annual wage, as estimated from the employee's current wage in the withholding period, will be the employee's sole income for the taxable year;

(2) That there will be no deductions therefrom in determining adjusted gross income;

(3) That in determining taxable income there shall be a standard deduction allowance which shall be an amount equal to one exemption (or more than one exemption if so prescribed by the director) unless (A) the taxpayer is married or in a civil union and the taxpayer's spouse or civil union partner is an employee receiving wages subject to withholding, or (B) the taxpayer has withholding exemption certificates in effect with respect to more than one employer. For the purposes of this section, any standard deduction allowance under this paragraph shall be treated as if it were denominated a withholding exemption;

(4) That in determining taxable income there also will be deducted the amount of exemptions and withholding allowances granted to the employee in the computation of taxable income, as shown by a certificate to be filed with the employer as provided by subsection (f); and

(5) If it appears from the certificate filed pursuant to subsection (f) that the employee, under section 235-93, is entitled to make a joint return, that the employee and the employee's spouse or civil union partner will so elect."

2. By amending subsections (f) and (g) to read:

"(f) On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed certificate relating to the number of exemptions which the employee claims, which shall in no event exceed the number to which the employee is entitled on the basis of the existing facts, and also showing whether the employee is married or in a civil union and [is], under section 235-93, is entitled to make a joint return. The certificate shall be in [such] the form and contain [such] information as may be prescribed by the department.

If, on any day during the calendar year, there is a change in the employee's marital or civil union status and the employee no longer is entitled to make a joint return, or the number of exemptions to which the employee is entitled is less than the number of exemptions claimed by the employee on the certificate then in effect with respect to the employee, the employee shall within ten days thereafter furnish the employer with a new certificate showing the employee's present marital or civil union status, or relating to the number of exemptions which the employee then claims, which shall in no event exceed the number to which the employee is entitled on the basis of the existing facts. If, on any day during the calendar year, there is a change in the employee's marital or civil union status and though previously not entitled to make a joint return the employee now is so entitled, or the number of exemptions to which the employee is entitled is greater than the number of exemptions claimed, the employee may furnish the employer with a new certificate showing the employee's present marital or civil union status, or relating to the number of exemptions which the employee then claims, which shall in no event exceed the number to which the employee is entitled on the basis of the existing facts.

Such certificate shall take effect at the times set forth in the Internal Revenue Code.

(g) In determining the deduction allowed by subsection (c)(4) an employee shall be entitled to withholding allowances or additional reductions in withholding under this subsection. In determining the number of additional withholding allowances or the amount of additional reductions in withholding under this subsection, the employee may take into account (to the extent and in the manner provided by rules) estimated itemized deductions and tax credits allowable under this chapter; and such additional deductions and other items as may be specified by the director in rules. For the purposes of this subsection a fractional number shall not be taken into account unless it amounts to one-half or more, in which case it shall be increased to the next whole number.

(1) As used in this subsection, unless the context otherwise requires:

- (A) "Estimated itemized deductions" means the aggregate amount which the employee reasonably expects will be allowed as deductions under sections 235-2.3, 235-2.4, 235-2.45, and 235-7, other than the deductions referred to in Internal Revenue Code section 151 and those deductions required to be taken into account in determining adjusted gross income under Internal Revenue Code section 62(a) (with the exception of paragraph 10 thereof) for the estimation year. In no case shall the aggregate amount be greater than the sum of:
 - (i) The amount of the deductions reflected in the employee's net income tax return for the taxable year preceding the estimation year of (if a return has not been filed for the preceding taxable year at the time the withholding exemption certificate is furnished the employer) the second taxable year preceding the estimation year; or
 - (ii) The amount of estimated itemized deductions and tax credits allowable under this chapter and any additional deductions to which entitled; and
 - (iii) The amount of the employee's determinable additional deductions for the estimation year.
- (B) "Estimated wages" means the aggregate amount which the employee reasonably expects will constitute wages for the estimation year[;].
- (C) "Determinable additional deductions" means those estimated itemized deductions which:
 - (i) Are in excess of the deductions referred to in subparagraph (A) reflected on the employee's net income tax return for the taxable year preceding the estimation year; and
 - (ii) Are demonstrably attributable to an identifiable event during the estimation year or the preceding taxable year which can reasonably be expected to cause an increase in the amount of such deductions on the net income tax return for the estimation year.
- (D) "Estimation year", in the case of an employee who files the employee's return on the basis of a calendar year, means the

calendar year in which the wages are paid; provided that in the case of an employee who files the employee's return on a basis other than the calendar year, the employee's estimation year, and the amounts deducted and withheld to be governed by the estimation year, shall be determined under rules prescribed by the director of taxation.

(2) Under this subsection, the following special rules shall apply:

- (A) Married individuals[;] or partners in a civil union. The number of withholding allowances to which a husband and wife or partners in a civil union are entitled under this subsection shall be determined on the basis of their combined wages and deductions. This subparagraph shall not apply to a husband and wife or partners in a civil union who filed separate returns for the taxable year preceding the estimation year and who reasonably expect to file separate returns for the estimation year;
- (B) Limitation. In the case of employees whose estimated wages are at levels at which the amounts deducted and withheld under this chapter generally are insufficient (taking into account a reasonable allowance for deductions and exceptions) to offset the liability for tax under this chapter with respect to the wages from which the amounts are deducted and withheld, the director may by rule reduce the withholding allowances to which those employees would, but for this subparagraph, be entitled under this subsection;
- (C) Treatment of allowances. For purposes of this chapter, any withholding allowance under this subsection shall be treated as if it were denominated a withholding exemption.
- (3) The director may prescribe tables by rule under chapter 91 pursuant to which employees shall determine the number of withholding allowances to which they are entitled under this subsection."

SECTION 51. Section 235-93, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) A husband and wife, having that status for purposes of the Internal Revenue Code and entitled to make a joint federal return for the taxable year, and partners in a civil union that was entered into during or prior to the taxable year may make a single return jointly of taxes under this chapter for the taxable year. In that case the tax shall be computed on their aggregate income as provided in section 235-52, and the liability with respect to the tax shall be joint and several. For purposes of this chapter "aggregate income" means the income of both spouses or civil union partners without regard to source in the State.

(b) If an individual has filed a separate return for a taxable year for which a joint return could have been made by the taxpayer and the taxpayer's spouse[;] or civil union partner, an election thereafter to make a joint return for the taxable year shall be made only upon compliance with rules of the department of taxation, which may limit the election and prescribe the terms and provisions applicable in such cases as nearly as may be in conformity with the Internal Revenue Code."

SECTION 52. Section 235-102.5, Hawaii Revised Statutes, is amended to read as follows:

"§235-102.5 **Income check-off authorized.** (a) Any individual whose state income tax liability for any taxable year is \$3 or more may designate \$3 of the liability to be paid over to the Hawaii election campaign fund, any other law to the contrary notwithstanding, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife or partners in a civil union having a state income tax liability of \$6 or more, each spouse or civil union partner may designate that \$3 be paid to the fund. The director of taxation shall revise the individual state income tax form to allow the designation of contributions to the fund on the face of the tax return and immediately above the signature lines. An explanation shall be included which clearly states that the check-off does not constitute an additional tax liability. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made whether by an original or amended return may not be revoked.

(b) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$2 or more may designate \$2 of the refund to be deposited into the school-level minor repairs and maintenance special fund established by section 302A-1504.5, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife or partners in a civil union having a state income tax refund of \$4 or more, each spouse or civil union partner may designate that \$2 be deposited into the special fund. The director of taxation shall revise the individual state income tax return form to allow the designation of contributions to the special fund on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.

(c) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$2 or more may designate \$2 of the refund to be paid over to the libraries special fund established by section 312-3.6, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife or partners in a civil union having a state income tax refund of \$4 or more, each spouse or civil union partner may designate that \$2 be deposited into the special fund. The director of taxation shall revise the individual state income tax form to allow the designation of contributions to the fund on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.

(d) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$5 or more may designate \$5 of the refund to be paid over as follows:

- (1) One-third to the Hawaii children's trust fund under section 350B-2; and
- (2) Two-thirds to be divided equally among:
 - (A) The domestic violence and sexual assault special fund under the department of health in section 321-1.3;
 - (B) The spouse and child abuse special account under the department of human services in section 346-7.5; and
 - (C) The spouse and child abuse special account under the judiciary in section 601-3.6.

When designated by a taxpayer submitting a state income tax return to the department, the department of budget and finance shall allocate the moneys among the several funds as provided in this subsection. In the case of a joint return of a husband and wife or partners in a civil union having a state income tax refund of \$10 or more, each spouse or civil union partner may designate that \$5 be paid over as provided in this subsection. The director of taxation shall revise the individual state income tax form to allow the designation of contributions pursuant to this subsection on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked."

SECTION 53. Section 235-110.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The tax credit claimed under this section by the principal operator shall be deductible from the principal operator's individual or corporate income tax liability, if any, for the tax year in which the credit is properly claimed; provided that a husband and wife or partners in a civil union filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credit to which they would have been entitled had a joint return been filed. If the tax credit claimed by the principal operator under this section exceeds the amount of the income tax payments due from the principal operator, the excess of credit over payments due shall be refunded to the principal operator from the

state highway fund; provided that the tax credit properly claimed by a principal operator who has no income tax liability shall be paid to the principal operator from the state highway fund; and provided further no refunds or payments on account of the tax credit allowed by this section shall be made for amounts less than \$1."

SECTION 54. Section 247-3, Hawaii Revised Statutes, is amended to read as follows:

"§247-3 **Exemptions.** The tax imposed by section 247-1 shall not apply to:

- (1) Any document or instrument that is executed prior to January 1, 1967;
- (2) Any document or instrument that is given to secure a debt or obligation;
- (3) Any document or instrument that only confirms or corrects a deed, lease, sublease, assignment, transfer, or conveyance previously recorded or filed;
- (4) Any document or instrument between husband and wife, reciprocal beneficiaries, partners in a civil union, or parent and child, in which only a nominal consideration is paid;
- (5) Any document or instrument in which there is a consideration of \$100 or less paid or to be paid;
- (6) Any document or instrument conveying real property that is executed pursuant to an agreement of sale, and where applicable, any assignment of the agreement of sale, or assignments thereof; provided that the taxes under this chapter have been fully paid upon the agreement of sale, and where applicable, upon such assignment or assignments of agreements of sale;
- (7) Any deed, lease, sublease, assignment of lease, agreement of sale, assignment of agreement of sale, instrument or writing in which the United States or any agency or instrumentality thereof or the State or any agency, instrumentality, or governmental or political subdivision thereof are the only parties thereto;
- (8) Any document or instrument executed pursuant to a tax sale conducted by the United States or any agency or instrumentality thereof or the State or any agency, instrumentality, or governmental or political subdivision thereof for delinquent taxes or assessments;
- (9) Any document or instrument conveying real property to the United States or any agency or instrumentality thereof or the State or any agency, instrumentality, or governmental or political subdivision thereof pursuant to the threat of the exercise or the exercise of the power of eminent domain;
- (10) Any document or instrument that solely conveys or grants an easement or easements;
- (11) Any document or instrument whereby owners partition their property, whether by mutual agreement or judicial action; provided that the value of each owner's interest in the property after partition is equal in value to that owner's interest before partition;
- (12) Any document or instrument between marital partners ~~[or]~~, reciprocal beneficiaries, or civil union partners who are parties to a divorce action or termination of a reciprocal beneficiary relationship or civil union that is executed pursuant to an order of the court in the divorce action or termination of a reciprocal beneficiary relationship~~[;]~~ or civil union;
- (13) Any document or instrument conveying real property from a testamentary trust to a beneficiary under the trust;
- (14) Any document or instrument conveying real property from a grantor to the grantor's revocable living trust, or from a grantor's revocable living trust to the grantor as beneficiary of the trust;
- (15) Any document or instrument conveying real property, or any interest therein, from an entity that is a party to a merger or consolidation under chapter 414, 414D, 415A, 421, 421C, 425, 425E, or 428 to the surviving or new entity;
- (16) Any document or instrument conveying real property, or any interest therein, from a dissolving limited partnership to its corporate general partner that owns, directly or indirectly, at least a

ninety per cent interest in the partnership, determined by applying section 318 (with respect to constructive ownership of stock) of the [federal] Internal Revenue Code of 1986, as amended, to the constructive ownership of interests in the partnership; and

- (17) Any document or instrument conveying real property to any nonprofit or for-profit organization that has been certified by the Hawaii housing finance and development corporation for low-income housing development."

SECTION 55. Section 321-471, Hawaii Revised Statutes, is amended by amending the definition of "family or household members" as follows:

""Family or household members" as used in this section means:

- (1) Each legal parent;
- (2) The natural mother;
- (3) The natural father;
- (4) Each natural or adopted child;
- (5) Each sibling or person related by consanguinity;
- (6) Spouses or former spouses;
- (7) Reciprocal beneficiaries or former reciprocal beneficiaries;
- (8) Civil union partners or former civil union partners;
- ~~[(8)]~~ (9) Each person who has or has had a dating relationship;
- ~~[(9)]~~ (10) Each person jointly residing or formerly residing in the same dwelling unit; and
- ~~[(10)]~~ (11) Any other person who, or legal entity that, is a victim's legal or physical custodian or guardian, or who is otherwise responsible for the victim's care, other than an authorized agency that assumes such a legal status or relationship with the victim under chapter 587."

SECTION 56. Section 323-2, Hawaii Revised Statutes, is amended to read as follows:

"~~[(H)]~~**§323-2(H) Hospital visitation policy and extension of authority to reciprocal beneficiaries[.] and civil union partners.** A reciprocal beneficiary, as defined in chapter 572C, and a civil union partner, as defined by section A-1, of a patient shall have the same rights as a spouse with respect to visitation and making health care decisions for the patient."

SECTION 57. Section 324-22, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The use of additional information obtained by researchers shall also be governed by subsection (a) and, in addition, where the patient is still living and the information is to be obtained directly from the patient, the researcher shall first obtain the approval of the patient or the patient's immediate family, including a reciprocal beneficiary[.] or civil union partner, in that order of priority."

SECTION 58. Section 327-2, Hawaii Revised Statutes, is amended as follows:

1. By adding the definition of "civil union partner" to read:

""Civil union partner" means a party to a valid civil union as established in chapter A."

2. By amending the definition of "disinterested witness" to read:

""Disinterested witness" means a witness other than the spouse, reciprocal beneficiary, civil union partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term shall not include a person to which an anatomical gift could pass under section 327-11."

SECTION 59. Section 327-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Subject to subsections (b) and (c) and unless barred by subsection (d), an anatomical gift of a decedent's body or body part for purposes of transplantation, therapy, research, or education may be made, in the order of priority listed, by any member of the following classes of persons who is reasonably available:

- (1) An agent of the decedent at the time of death who could have made an anatomical gift under section 327-4(2) immediately before the decedent's death;
- (2) The spouse ~~[øf]~~, reciprocal beneficiary, or civil union partner of the decedent;
- (3) Adult children of the decedent;
- (4) Parents of the decedent;
- (5) Adult siblings of the decedent;
- (6) Adult grandchildren of the decedent;
- (7) Grandparents of the decedent;
- (8) An adult who exhibited special care and concern for the decedent;
- (9) The persons who were acting as the guardian of the person of the decedent at the time of death; and
- (10) Any other person having the authority to dispose of the decedent's body."

SECTION 60. Section 327E-2, Hawaii Revised Statutes, is amended by amending the definition of "interested persons" to read as follows:

""Interested persons" means the patient's spouse, unless legally separated or estranged, a reciprocal beneficiary, a civil union partner, any adult child, either parent of the patient, an adult sibling or adult grandchild of the patient, or any adult who has exhibited special care and concern for the patient and who is familiar with the patient's personal values."

SECTION 61. Section 334-6, Hawaii Revised Statutes, is amended to read as follows:

"**§334-6 Fees; payment of expenses for treatment services.** (a) Pursuant to chapter 91, the director shall establish reasonable charges for treatment services and may make collections on such charges. In making the collections on such charges the director shall take into consideration the financial circumstances of the patient and the patient's family, including a reciprocal beneficiary[.] or a civil union partner, and no collections shall be made where in the judgment of the director, ~~[such]~~ the collections would tend to make the patient or the patient's family, including a reciprocal beneficiary[.] or civil union partner, a public charge or deprive the patient and the patient's family, including a reciprocal beneficiary[.] or civil union partner, of necessary support.

(b) Every person hospitalized at a psychiatric facility or receiving treatment services through a community mental health center under the jurisdiction of the State or a county, or at a psychiatric facility or through a community mental health center which derives more than fifty per cent of its revenues from the general fund of the State, or pursuant to contract with the director under section 334-2.5, shall be liable for the expenses attending their reception, maintenance, and treatment and any property not exempt from execution belonging to the person shall be subject to sequestration for the payment of the expenses. Every parent or legal guardian of a patient who is a minor and every spouse ~~[øf]~~, reciprocal beneficiary, or civil union partner of a patient shall be liable for the expenses attending the reception, maintenance, and treatment of that minor child or spouse ~~[øf]~~, reciprocal beneficiary, or civil union partner who is hospitalized at a psychiatric facility or receiving treatment through a community mental health center under the jurisdiction of the State or a county, or at a psychiatric facility or through a community mental health center which derives more than fifty per cent of its revenues from the general fund of the State, or pursuant to contract with the director under section 334-2.5."

SECTION 62. Section 334-59, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Emergency hospitalization. If the physician or the psychologist who performs the emergency examination has reason to believe that the patient is:

- (1) Mentally ill or suffering from substance abuse;
- (2) Imminently dangerous to self or others, or is gravely disabled, or is obviously ill; and
- (3) In need of care or treatment, or both;

the physician or the psychologist may direct that the patient be hospitalized on an emergency basis or cause the patient to be transferred to another psychiatric facility for emergency hospitalization, or both. The patient shall have the right immediately upon admission to telephone the patient's guardian or a family member, including a reciprocal beneficiary[;] or civil union partner, or an adult friend and an attorney. If the patient declines to exercise that right, the staff of the facility shall inform the adult patient of the right to waive notification to the family, including a reciprocal beneficiary[;] or civil union partner, and shall make reasonable efforts to ensure that the patient's guardian or family including a reciprocal beneficiary[;] or civil union partner, is notified of the emergency admission but the patient's family, including a reciprocal beneficiary[;] or civil union partner, need not be notified if the patient is an adult and requests that there be no notification. The patient shall be allowed to confer with an attorney in private."

SECTION 63. Section 334-60.4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The court shall set a hearing on the petition and notice of the time and place of such hearing shall be served in accordance with, and to those persons specified in, a current order of commitment. If there is no current order of commitment, notice of the hearing shall be served personally on the subject of the petition and served personally or by certified or registered mail, return receipt requested, deliverable to the addressee only, on the subject's spouse [øf], reciprocal beneficiary, or civil union partner, legal parents, adult children, and legal guardian, if one has been appointed. If the subject of the petition has no living spouse [øf], reciprocal beneficiary, or civil union partner, legal parent and adult children, or if none can be found, notice of the hearing shall be served on at least one of the subject's closest adult relatives if any can be found. Notice of the hearing shall also be served on the public defender, attorney for the subject of the petition, or other court-appointed attorney as the case may be. If the subject of the petition is a minor, notice of the hearing shall also be served upon the person who has had the principal care and custody of the minor during the sixty days preceding the date of the petition if [such] the person can be found within the State. Notice shall also be given to such other persons as the court may designate."

SECTION 64. Section 334-60.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The court may adjourn or continue a hearing for failure to timely notify a spouse [øf], reciprocal beneficiary, civil union partner, guardian, relative, or other person determined by the court to be entitled to notice, or for failure by the subject to contact an attorney as provided in section 334-60.4(b)(7) if the court determines the interests of justice so require."

SECTION 65. Section 334-125, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Notice of the hearing shall be:

- (1) Served personally on the subject of the petition pursuant to family court rules; and
- (2) Delivered personally or mailed by certified or registered mail, return receipt requested, deliverable to addressee only, to as many as are known to the petitioner of the subject's spouse [øf], reciprocal beneficiary, or civil union partner, legal parents, adult children, and legal guardian, if one has been appointed. Petitioner shall certify that such notices have been mailed, and to whom, but proof of receipt of such notices is not required. Notice shall also be served on any other person that the court designates."

SECTION 66. Section 338-1, Hawaii Revised Statutes, is amended by amending the definition of "public health statistics" to read as follows:

"Public health statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, morbidity, marital status, civil union status, and data incidental thereto."

SECTION 67. Section 338-18, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The department shall not permit inspection of public health statistics records, or issue a certified copy of any [such] record or part thereof, unless it is satisfied that the applicant has a direct and tangible

interest in the record. The following persons shall be considered to have a direct and tangible interest in a public health statistics record:

- (1) The registrant;
- (2) The spouse of the registrant;
- (3) The civil union partner of the registrant;
- [(3)] (4) A parent of the registrant;
- [(4)] (5) A descendant of the registrant;
- [(5)] (6) A person having a common ancestor with the registrant;
- [(6)] (7) A legal guardian of the registrant;
- [(7)] (8) A person or agency acting on behalf of the registrant;
- [(8)] (9) A personal representative of the registrant's estate;
- [(9)] (10) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction;
- [(10)] (11) Adoptive parents who have filed a petition for adoption and who need to determine the death of one or more of the prospective adopted child's natural or legal parents;
- [(11)] (12) A person who needs to determine the marital status of a former spouse in order to determine the payment of alimony;
- (13) A person who needs to determine the civil union status of a former civil union partner in order to determine the payment of alimony;
- [(12)] (14) A person who needs to determine the death of a nonrelated co-owner of property purchased under a joint tenancy agreement; and
- [(13)] (15) A person who needs a death certificate for the determination of payments under a credit insurance policy."

SECTION 68. Section 338-29.5, Hawaii Revised Statutes, is amended to read as follows:

"~~§338-29.5 Late [registration of death, fetal death, marriage, and divorce.] registration.~~ (a) When a death, fetal death, marriage, [øf] civil union, divorce, or termination occurring in this State has not been registered, a certificate may be filed in accordance with rules adopted by the department of health. The certificate shall be registered subject to any evidentiary requirements that the department adopts by rule to substantiate the alleged facts of death, fetal death, marriage, [øf] civil union, divorce[;], or termination.

(b) Certificates of death, fetal death, marriage, [øf] civil union, divorce, or termination registered one year or more after the date of occurrence shall be marked "late" and shall show on the face the date of the late registration.

(c) As used in this section, "late" means one year or more after the date of the death, fetal death, marriage, [øf], civil union, divorce[;], or termination."

SECTION 69. Section 346-237, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) After a petition has been filed, the matter shall be set for hearing and a notice of hearing shall be issued to all parties to the proceeding. The parties to the proceeding shall include:

- (1) The vulnerable adult;
- (2) Any caregiver of the vulnerable adult;
- (3) A representative of the facility in which the vulnerable adult resides or is a patient;
- (4) The spouse or civil union partner and adult children of the vulnerable adult;
- (5) The parents of the vulnerable adult, unless waived by the court for good cause;
- (6) Any guardian or conservator who may have been appointed; and
- (7) Any other person or entity affected by the order for immediate protection."

SECTION 70. Section 351-2, Hawaii Revised Statutes, is amended by amending the definition of "relative" as follows:

""Relative" means a victim's spouse [Ø], reciprocal beneficiary, civil union partner, parent, grandparent, stepparent, child, grandchild, stepchild, brother, sister, half brother, half sister, stepbrother, stepsister, spouse's or reciprocal beneficiary's or civil union partner's parents, niece, nephew, or person residing in the same dwelling unit as the victim;"

SECTION 71. Section 352-13, Hawaii Revised Statutes, is amended to read as follows:

"§352-13 **Evaluation, counseling, training.** The director shall provide the opportunity for intelligence and aptitude evaluation, psychological testing and counseling, prevocational and vocational training, and employment counseling to all persons committed to the youth correctional facilities. Counseling services shall be available for the committed person's family, including a reciprocal beneficiary[;] or civil union partner, during the term of commitment."

SECTION 72. Section 353-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The director or a designated agent may grant furloughs to committed persons with a minimum or lower security classification in any correctional facility of the department for the purpose of employment, social reorientation, education, or training, or any other valid purpose as determined by the director. Special out-of-state furloughs may be granted to those already otherwise furloughed, at no cost to the State, when death or critical illness or injury to the committed person's immediate family including a reciprocal beneficiary[;] or civil union partner, occurs. Any committed person who is engaged in private employment, by contract or otherwise, not under the immediate custody of the State shall not be considered an agent or employee of the State. Any moneys earned from employment by such person shall be used to satisfy a restitution order and to reimburse the State for the cost of room and board. If any earned moneys remain after these expenses have been paid, that amount shall be held in an individual account for the committed person.

When an inmate is granted a special out-of-state furlough, the director shall inform the authorities of the state to which the inmate is to be furloughed of the inmate's arrival."

SECTION 73. Section 353-28.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) For the purposes of this section, "family members" means persons who are related to each other by blood, marriage, adoption, or legal guardianship, or as reciprocal beneficiaries[;] or civil union partners."

SECTION 74. Section 377-1, Hawaii Revised Statutes, is amended by amending the definition of "employee" to read as follows:

"(3) "Employee" includes any person, other than an independent contractor, working for another for hire in the State, and shall not be limited to the employees of a particular employer unless the context clearly indicates otherwise; and includes any individual whose work has ceased solely as a consequence of or in connection with any current labor dispute or because of any unfair labor practice on the part of an employer and (A) who has not refused or failed to return to work upon the final disposition of a labor dispute or a charge of an unfair labor practice by a tribunal having competent jurisdiction of the same or whose jurisdiction was accepted by the employee or the employee's representative, (B) who has not been found to be committing or a party to any unfair labor practice hereunder, (C) who has not obtained regular and substantially equivalent employment elsewhere, or (D) who has not been absent from the individual's employment for a substantial period of time during which reasonable expectancy of settlement has ceased (except by an employer's unlawful refusal to bargain) and whose place has been filled by another engaged in the regular manner for an indefinite or protracted period and not merely for the duration of a strike or lockout; but shall not include any individual employed in the domestic service of a family or person at the family's or person's home or any individual employed by the individual's parent [Ø], spouse, civil union partner, or any person employed in an executive or supervisory capacity, or any individual employed by any employer employing less than two individuals, or any individual subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act, as amended from time to time; provided that the term "employee" includes any individual subject to the jurisdiction of the

National Labor Relations Act, as amended from time to time, but over whom the National Labor Relations Board has declined to exercise jurisdiction or has indicated by its decisions and policies that it will not assume jurisdiction."

SECTION 75. Section 378-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

""Civil union status" means the state of being a partner in a civil union."

SECTION 76. Section 378-2, Hawaii Revised Statutes, is amended to read as follows:

"§378-2 **Discriminatory practices made unlawful; offenses defined.** It shall be an unlawful discriminatory practice:

- (1) Because of race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, civil union status, or arrest and court record;
- (A) For any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment;
- (B) For any employment agency to fail or refuse to refer for employment, or to classify or otherwise to discriminate against, any individual;
- (C) For any employer or employment agency to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination;
- (D) For any labor organization to exclude or expel from its membership any individual or to discriminate in any way against any of its members, employer, or employees; or
- (E) For any employer or labor organization to refuse to enter into an apprenticeship agreement as defined in section 372-2; provided that no apprentice shall be younger than sixteen years of age;
- (2) For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any individual because the individual has opposed any practice forbidden by this part or has filed a complaint, testified, or assisted in any proceeding respecting the discriminatory practices prohibited under this part;
- (3) For any person whether an employer, employee, or not, to aid, abet, incite, compel, or coerce the doing of any of the discriminatory practices forbidden by this part, or to attempt to do so;
- (4) For any employer to violate the provisions of section 121-43 relating to nonforfeiture for absence by members of the national guard;
- (5) For any employer to refuse to hire or employ or to bar or discharge from employment, any individual because of assignment of income for the purpose of satisfying the individual's child support obligations as provided for under section 571-52;
- (6) For any employer, labor organization, or employment agency to exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;
- (7) For any employer or labor organization to refuse to hire or employ or to bar or discharge from employment, or withhold pay, demote, or penalize a lactating employee because an employee breastfeeds or expresses milk at the workplace. For purposes of this paragraph, the term "breastfeeds" means the feeding of a child directly from the breast; or
- (8) For any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment of any individual because of the individual's credit history or credit report, unless the information in the individual's

credit history or credit report directly relates to a bona fide occupational qualification under section 378-3(2)."

SECTION 77. Section 383-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) "Employment" shall not include:

- (1) Agricultural labor as defined in section 383-9 if it is performed by an individual who is employed by an employing unit:
 - (A) That, during each calendar quarter in both the current and the preceding calendar years, paid less than \$20,000 in cash remuneration to individuals employed in agricultural labor, including labor performed by an alien referred to in subparagraph (C); and
 - (B) That had, in each of the current and the preceding calendar years:
 - (i) No more than nineteen calendar weeks, whether consecutive or not, in which agricultural labor was performed by its employees, including labor performed by an alien referred to in subparagraph (C); or
 - (ii) No more than nine individuals in its employ performing agricultural labor in any one calendar week, whether or not the same individuals performed the labor in each week, including labor performed by an alien referred to in subparagraph (C); or
 - (C) If such agricultural labor is performed by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act;
- (2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority as set forth in section 3306(c)(2) of the Internal Revenue Code of 1986, as amended;
- (3) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for the service is \$50 or more and the service is performed by an individual who is regularly employed by the employing unit to perform the service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter if:
 - (A) On each of some twenty-four days during the quarter the individual performs the service for some portion of the day; or
 - (B) The individual was regularly employed as determined under subparagraph (A) by the employing unit in the performance of the service during the preceding calendar quarter;
- (4) (A) Service performed on or in connection with a vessel not an American vessel, if the individual performing the service is employed on and in connection with the vessel when outside the United States;
- (B) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed as an ordinary incident thereto, except:
 - (i) The service performed in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);
 - (ii) The service performed in connection with a vessel of ten net tons or less (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States) by an individual who is employed by an employing unit which had in its employ one or more individuals performing the service for some portion of a day in each of twenty calendar weeks all occurring, whether consecutive or not, in either the current or the preceding calendar year; and

(iii) Service performed in connection with the catching or taking of salmon or halibut for commercial purposes;

- (5) Service performed by an individual in the employ of the individual's son, daughter, ~~[or]~~ spouse, or civil union partner, and service performed by a child under the age of twenty-one in the employ of the child's ~~[father or mother;]~~ parent;
- (6) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall apply to those instrumentalities, and to services performed for those instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided that if this State is not certified for any year by the Secretary of Labor under section 3304(c) of the federal Internal Revenue Code, the payments required of those instrumentalities with respect to that year shall be refunded by the department of labor and industrial relations from the fund in the same manner and within the same period as is provided in section 383-76 with respect to contributions erroneously collected;
- (7) Service performed in the employ of any other state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to the service, exempt from the tax imposed by section 3301 of the Internal Revenue Code of 1986, as amended;
- (8) Service with respect to which unemployment compensation is payable under an unemployment system established by an act of Congress;
- (9) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal Internal Revenue Code (other than an organization described in section 401(a) or under section 521 of the Internal Revenue Code), if:
 - (i) The remuneration for the service is less than \$50; or
 - (ii) The service is performed by a fully ordained, commissioned, or licensed minister of a church in the exercise of the minister's ministry or by a member of a religious order in the exercise of duties required by the order;
- (B) Service performed in the employ of a school, college, or university, if the service is performed by a student who is enrolled and is regularly attending classes at the school, college, or university; or
- (C) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of such program, and the institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;
- (10) Service performed in the employ of a foreign government, including service as a consular or other officer or employee of a nondiplomatic representative;
- (11) Service performed in the employ of an instrumentality wholly owned by a foreign government;

- (A) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and
- (B) If the United States Secretary of State has certified or certifies to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;
- (12) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law;
- (13) Service performed by an individual for an employing unit as an insurance producer, if all service performed by the individual for the employing unit is performed for remuneration solely by way of commission;
- (14) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;
- (15) Service covered by an arrangement between the department and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election, are deemed to be performed entirely within the agency's state;
- (16) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the federal laws relating to unemployment compensation;
- (17) Service performed by an individual for an employing unit as a real estate salesperson, if all service performed by the individual for the employing unit is performed for remuneration solely by way of commission;
- (18) Service performed by a registered sales representative for a registered travel agency, when the service performed by the individual for the travel agent is performed for remuneration by way of commission;
- (19) Service performed by a vacuum cleaner salesperson for an employing unit, if all services performed by the individual for the employing unit are performed for remuneration solely by way of commission;
- (20) Service performed for a family-owned private corporation organized for profit that employs only members of the family who each own at least fifty per cent of the shares issued by the corporation; provided that:
- The private corporation elects to be excluded from coverage under this chapter;
 - The election for exclusion shall apply to all shareholders and under the same circumstances;
 - No more than two members of a family may be eligible per entity for exclusion under this paragraph;
 - The exclusion shall be irrevocable for five years;
 - The family-owned private corporation presents to the department proof that it has paid federal unemployment insurance taxes as required by federal law; and
 - The election to be excluded from coverage shall be effective the first day of the calendar quarter in which the application and all substantiating documents requested by the department are filed with the department;
- (21) Service performed by a direct seller as defined in section 3508 of the Internal Revenue Code of 1986;
- (22) Service performed by an election official or election worker as defined in section 3309(b)(3)(F) of the Internal Revenue Code of 1986, as amended;
- (23) Service performed by an inmate or any person committed to a penal institution[]; and[]
- (24) Domestic in-home and community-based services for persons with developmental disabilities and mental retardation under the medicaid home and community-based services program pursuant to title 42 Code of Federal Regulations sections 440.180 and 441.300, and title 42 Code of Federal Regulations, part 434, subpart A, as amended, and identified as chore, personal assistance and habilitation, residential habilitation, supported employment, respite, and skilled nursing services, as the terms are defined and amended from time to time by the department of human services, performed by an individual whose services are contracted by a recipient of social service payments and who voluntarily agrees in writing to be an independent contractor of the recipient of social service payments unless the individual is an employee and not an independent contractor of the recipient of social service payments under the Federal Unemployment Tax Act."
- SECTION 78. Section 386-34, Hawaii Revised Statutes, is amended to read as follows:
- "§386-34 Payment after death.** Where an employee is entitled to weekly income and indemnity benefits for permanent total or permanent partial disability and dies from any cause other than the compensable work injury, payment of any unpaid balance of the benefits to the extent that the employer is liable therefor, but not to exceed the amount prescribed under section 386-32(a) for other cases, shall be made to the employee's dependents as provided herein. If, at the time of the death, the employee is entitled to any benefits from the special compensation fund, the benefits shall also be paid to the employee's dependents as provided herein:
- (1) To a dependent widow, widower, [ø], reciprocal beneficiary, or civil union partner, for the use of the widow, widower, [ø], reciprocal beneficiary, or civil union partner, and the dependent children, if any. The director of labor and industrial relations may from time to time apportion such compensation among the widow, widower, [ø], reciprocal beneficiary, or civil union partner, and any dependent children.
 - (2) If there be no dependent widow, widower, [ø], reciprocal beneficiary, or civil union partner, but one or more dependent children, then to such child or children to be divided equally among them if more than one.
 - (3) If there be no dependent widow, widower, reciprocal beneficiary, or civil union partner, or child, but there be a dependent parent, then to such parent, or if both parents be dependent, to both of them, to be divided equally between them; or if there be no such parents, but a dependent grandparent, then to such grandparent, or if more than one, then to all of them to be divided equally among them.
 - (4) If there be no dependent widow, widower, reciprocal beneficiary, or civil union partner, child, parent, or grandparent, but there be a dependent grandchild, brother, or sister, then to such dependent, or if more than one, then to all of them to be divided equally among them.
 - (5) If there be no such dependents, the unpaid balance of the compensation shall be paid in a lump sum into the special compensation fund."
- SECTION 79. Section 386-41, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:
- "(a) Funeral and burial allowance. Where a work injury causes death, the employer shall pay funeral expenses not to exceed ten times the maximum weekly benefit rate to the mortician and burial expenses not to exceed five times the maximum weekly benefit rate to the cemetery selected by the family, including a reciprocal beneficiary, civil union partner, or next of kin of the deceased or in the absence of such family, including a reciprocal beneficiary, civil union partner, or next of kin, by the employer. Such payments shall be made directly to the mortician and cemetery; provided that when the deceased has a pre-paid funeral and burial plan such payments for funeral and burial expenses, not to exceed

the foregoing limits, shall be made directly to the surviving spouse [Ø], reciprocal beneficiary, or civil union partner, or the decedent's estate if there is no surviving spouse [Ø], reciprocal beneficiary[-], or civil union partner.

(b) Weekly benefits for dependents. In addition, the employer shall pay weekly benefits to the deceased's dependents at the percentages of the deceased's average weekly wages specified below, taking into account not more than the maximum weekly benefit rate prescribed in section 386-31 divided by .6667 and not less than the minimum prescribed in the section divided by .6667.

To the dependent widow, widower, [Ø] reciprocal beneficiary, or civil union partner, if there are no dependent children, fifty per cent.

To the dependent widow, widower, [Ø] reciprocal beneficiary, or civil union partner, if there are one or more dependent children of the deceased, sixty-six and two-thirds per cent. The compensation to the widow, widower, [Ø] reciprocal beneficiary, or civil union partner, shall be for the use and benefit of the widow, widower, [Ø] reciprocal beneficiary, or civil union partner, and of the dependent children, and the director of labor and industrial relations from time to time may apportion the compensation between them in such way as the director deems best.

If there is no dependent widow, widower, [Ø] reciprocal beneficiary, or civil union partner, but a dependent child, then to the child forty per cent, and if there is more than one dependent child, then to the children in equal parts sixty-six and two-thirds per cent.

If there is no dependent widow, widower, [Ø] reciprocal beneficiary, or civil union partner, or child, but there is a dependent parent, then to the parent, if wholly dependent fifty per cent, or if partially dependent twenty-five per cent; if both parents are dependent, then one-half of the foregoing compensation to each of them; if there is no dependent parent, but one or more dependent grandparents, then to each of them the same compensation as to a parent.

If there is no dependent widow, widower, [Ø] reciprocal beneficiary, or civil union partner, child, parent or grandparent, but there is a dependent grandchild, brother, or sister, or two or more of them, then to those dependents thirty-five per cent for one dependent, increased by fifteen per cent for each additional dependent, to be divided equally among the dependents if more than one."

SECTION 80. Section 386-42, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The following persons, and no others, shall be deemed dependents and entitled to income, and indemnity benefits under this chapter:

A child who is (1) unmarried and under eighteen years, or (2) unmarried and under twenty years if the child is a full-time student at a high school, business school, or technical school, or unmarried and under twenty-two years if the child is a full-time undergraduate student at a college, or (3) unmarried and incapable of self-support, or (4) married and under eighteen years, if actually dependent upon the deceased;

The surviving spouse [Ø], reciprocal beneficiary, or civil union partner, if either living with the deceased at the time of the injury or actually dependent upon the deceased;

A parent or grandparent, if actually dependent upon the deceased;

A grandchild, brother, or sister, if (1) under eighteen years or incapable of self-support, and (2) actually and wholly dependent upon the deceased."

SECTION 81. Section 386-43, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The weekly benefits to dependents shall continue:

To a surviving spouse [Ø], reciprocal beneficiary, or civil union partner, until death, remarriage, marriage, or entry into a new reciprocal beneficiary relationship or civil union with two years' compensation in one sum upon remarriage, marriage, or entry into a new reciprocal beneficiary relationship[-] or civil union.

To or for a child, (1) so long as unmarried, until attainment of the age of eighteen, or (2) so long as unmarried, until attainment of the age of twenty if the child is a full-time student at a high school, business school, technical school, or unmarried and under twenty-two years if the child is a full-time undergraduate student at a college, or (3) so long as unmarried,

until termination of the child's incapability of self-support, or (4) until marriage, except that in the case of a married child under eighteen, weekly benefits shall continue during the period of actual dependency until attainment of the age of eighteen.

To a parent or grandparent, for the duration, whether continuous or not, of such actual dependency, provided that the amount of the weekly benefits shall at no time exceed the amount payable at the time of death.

To or for a grandchild, brother, or sister, for the period in which he or she remains actually and wholly dependent until attainment of the age of eighteen or termination of the incapability of self-support.

(b) The aggregate weekly benefits payable on account of any one death shall not exceed the product of 312 times the effective maximum weekly benefit rate prescribed in section 386-31, but this limitation shall not apply with respect to benefits to a surviving spouse [Ø], reciprocal beneficiary, or civil union partner who is physically or mentally incapable of self-support and unmarried or not in a reciprocal beneficiary relationship or civil union as long as he or she remains in that condition and to benefits to a child and to benefits to an unmarried child over eighteen incapable of self-support as long as he or she is otherwise entitled to such compensation."

SECTION 82. Section 388-4, Hawaii Revised Statutes, is amended to read as follows:

"§388-4 Payment of wages to relatives of deceased employees.

Where an employee dies leaving any wages, vacation, or sick leave pay due the employee, the employer shall, within thirty days after such death, whether or not a personal representative has been appointed, pay the wages, vacation, or sick leave pay in an amount not exceeding \$2,000 to, and upon application by the surviving spouse [Ø], reciprocal beneficiary, or civil union partner, or, if none, by an adult child. The employer shall require the applicant to show proof of his or her relationship to the deceased by affidavit and to acknowledge receipt of the payment in writing. Any such payment shall discharge the employer to the extent thereof and the employer shall not be liable to the decedent's estate. Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution."

SECTION 83. Section 392-5, Hawaii Revised Statutes, is amended to read as follows:

"§392-5 Excluded services. "Employment" as defined in section 392-3 shall not include:

- (1) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, performed in any calendar quarter by an individual if the cash remuneration paid by the employer for such service is less than \$225;
- (2) Service not in the course of the employer's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for the service is \$50 or more and the service is performed by an individual who is regularly employed by the employer to perform the service. An individual shall be deemed to be regularly employed to perform service not in the course of the employer's trade or business during a calendar quarter only if:
 - (A) On each of some twenty-four days during the quarter the individual performs the service for some portion of the day; or
 - (B) The individual was regularly employed, as determined under subparagraph (A), by the employer in the performance of the service during the preceding calendar quarter;
- (3) Service performed on or in connection with a vessel not an American vessel, if the individual performing the service is employed on and in connection with the vessel when outside the United States;
- (4) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed as an ordinary incident thereto, except:
 - (A) The service performed in connection with a vessel of more than ten net tons (determined in the manner provided for

- determining the register tonnage of merchant vessels under the laws of the United States);
- (B) The service performed in connection with a vessel of ten tons or less (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States) by an individual who is employed by an employer who, for some portion in each of twenty different calendar weeks in either the current or preceding calendar year, had in the employer's employ one or more persons performing the service, whether or not the weeks were consecutive and whether or not the same individuals performed the service in each week; and
- (C) The service performed in connection with the catching or taking of salmon or halibut for commercial purposes;
- (5) Service performed by an individual in the employ of the individual's son, daughter, [Ø] spouse, or civil union partner, and service performed by a child under the age of twenty-one in the employ of the child's [~~father or mother;~~] parent;
- (6) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this chapter;
- (7) Service performed in the employ of any other state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing that is wholly owned by one or more such states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, exempt from the tax imposed by section 3301 of the Internal Revenue Code of 1986;
- (8) Service with respect to which temporary disability compensation is payable for sickness under a temporary disability insurance system established by an act of Congress;
- (9) Service performed in any calendar quarter in the employ of any nonprofit organization exempt from income tax under section 501 of the Internal Revenue Code of 1986, if:
- (A) The remuneration for such service is less than \$50;
- (B) The service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university;
- (C) The service is performed by a duly ordained, commissioned, or licensed minister or licensed minister of a church in the exercise of the minister's ministry or by a member of a religious order in the exercise of nonsecular duties required by the order; or
- (D) The service is performed for a church by an employee who fails to meet the eligibility requirements of section 392-25;
- (10) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents, if:
- (A) No part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual; and
- (B) Eighty-five per cent or more of its income consists of amounts collected from members and amounts contributed by the employer of the members for the sole purpose of making such payments and meeting expenses;
- (11) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents or their designated beneficiaries, if:
- (A) Admission to membership in the association is limited to individuals who are officers or employees of the United States government; and
- (B) No part of the net earnings of the association inures (other than through such payments) to the benefit of any private shareholder or individual;
- (12) Service performed in the employ of a school, college, or university, not exempt from income tax under section 501 of the Internal Revenue Code of 1986, if the service is performed by a student who is enrolled and is regularly attending classes at the school, college, or university;
- (13) Service performed in the employ of any instrumentality wholly owned by a foreign government, if:
- (A) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and
- (B) The United States Secretary of State has certified or certifies to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;
- (14) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;
- (15) Service performed by an individual for an employer as an insurance producer, if all such service performed by the individual for the employer is performed for remuneration solely by way of commission;
- (16) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;
- (17) Service covered by an arrangement between the department and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employer during the period covered by the employer's duly approved election, are deemed to be performed entirely within the agency's state;
- (18) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the federal laws relating to unemployment compensation;
- (19) Domestic in-home and community-based services for persons with developmental disabilities and mental retardation under the medicaid home and community-based services program pursuant to title 42 Code of Federal Regulations sections 440.180 and 441.300, and title 42 Code of Federal Regulations, part 434, subpart A, as amended, and identified as chore, personal assistance and habilitation, residential habilitation, supported employment, respite, and skilled nursing services, as the terms are defined by the department of human services, performed by an individual whose services are contracted by a recipient of social service payments and who voluntarily agrees in writing to be an independent contractor of the recipient of social service payments;
- (20) Service performed by a vacuum cleaner salesperson for an employing unit, if all such services performed by the individual for such employing unit are performed for remuneration solely by way of commission; or
- (21) Service performed by an individual for an employer as a real estate salesperson or as a real estate broker, if all the service performed by the individual for the employer is performed for remuneration solely by way of commission."

SECTION 84. Section 393-5, Hawaii Revised Statutes, is amended to read as follows:

"§393-5 **Excluded services.** "Employment" as defined in section 393-3 does not include:

- (1) Service performed by an individual in the employ of an employer who, by the laws of the United States, is responsible for care and cost in connection with such service;
- (2) Service performed by an individual in the employ of the individual's spouse, civil union partner, son, or daughter, and service performed by an individual under the age of twenty-one in the employ of the individual's [~~father or mother;~~] parent;
- (3) Service performed in the employ of a voluntary employee's beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of the association or their dependents or their designated beneficiaries, if:
 - (A) Admission to membership in the association is limited to individuals who are officers or employees of the United States government; and
 - (B) No part of the net earnings of the association inures (other than through such payments) to the benefits of any private shareholder or individual;
- (4) Service performed by an individual for an employer as an insurance agent or as an insurance solicitor if all service performed by the individual for the employer is performed for remuneration by way of commission;
- (5) Service performed by an individual for an employer as a real estate salesperson or as a real estate broker if all service performed by the individual for the employer is performed for remuneration by way of commission;
- (6) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the provisions of law relating to federal employment, including unemployment compensation; and
- (7) Domestic in-home and community-based services for persons with developmental disabilities and mental retardation under the medicaid home and community-based services program pursuant to title 42 Code of Federal Regulations sections 440.180 and 441.300, and title 42 Code of Federal Regulations, part 434, subpart A, as amended, and identified as chore, personal assistance and habilitation, residential habilitation, supported employment, respite, and skilled nursing services, as the terms are defined and amended from time to time by the department of human services, performed by an individual whose services are contracted by a recipient of social service payments and who voluntarily agrees in writing to be an independent contractor of the recipient of social service payments."

SECTION 85. Section 398-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) An employee shall be entitled to a total of four weeks of family leave during any calendar year upon the birth of a child of the employee or the adoption of a child, or to care for the employee's child, spouse [Ø], reciprocal beneficiary, or civil union partner, or parent with a serious health condition."

SECTION 86. Section 431:10-234, Hawaii Revised Statutes, is amended to read as follows:

"§431:10-234 Spouses' [~~and~~], reciprocal beneficiaries', and civil union partners' right in life insurance policy. (a) Every life insurance policy made payable to or for the benefit of the spouse [Ø], the reciprocal beneficiary, or the civil union partner of the insured, and every life insurance policy assigned, transferred, or in any way made payable to a spouse [Ø], reciprocal beneficiary, or civil union partner, or to a trustee for the benefit of a spouse [Ø], a reciprocal beneficiary, or civil union partner, regardless of how the assignment or transfer is procured, shall, unless contrary to the terms of the policy, inure to the separate use and benefit of such spouse [Ø], reciprocal beneficiary[~~;~~], or civil union partner.

(b) Without the consent of one's spouse [Ø], reciprocal beneficiary, or civil union partner, a married person or an individual who is registered as a reciprocal beneficiary[~~;~~] or civil union partner, may contract, pay for, take out, and hold a policy on the life or health of one's spouse, reciprocal

beneficiary, civil union partner, or children, or against loss by such spouse, [Ø] reciprocal beneficiary, or civil union partner, or children due to disablement by accident. Premiums paid on the policy by a married person [Ø], reciprocal beneficiary, or civil union partner shall be held to have been that person's separate estate, and the policy shall inure to the use and benefit of that person and that person's children, free from any claim by the spouse, [Ø] reciprocal beneficiary, or civil union partner, or others."

SECTION 87. Section 431:10A-104, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A policy of accident and health or sickness insurance shall neither be delivered nor issued for delivery to any person in this State unless:

- (1) The entire monetary and other considerations are expressed in the policy;
- (2) The time at which the insurance takes effect and terminates is expressed in or determinable from the policy;
- (3) It purports to insure only one person, except that a policy may provide family coverage as defined in section 431:10A-103, or reciprocal beneficiary and civil union family coverage as defined in section 431:10A-601;
- (4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten point with a lower case unspaced alphabet length not less than one hundred twenty point. The text shall include all printed matter except the name and address of the insurer, name or title of the policy, a brief description, if any, and captions and subcaptions;
- (5) The exceptions and reductions of indemnity are set forth in the policy and, except for the required and optional provisions set forth in sections 431:10A-105 and 431:10A-106, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as exceptions, or exceptions and reductions; provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of the exception or reduction shall be included with the benefit provision to which it applies;
- (6) Each policy form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page; and
- (7) It does not contain any provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner."

SECTION 88. Section 431:10A-115, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All policies providing family coverage, as defined in section 431:10A-103 and reciprocal beneficiary and civil union family coverage, as defined in section 431:10A-601, on an expense incurred basis shall provide that the benefits applicable for children shall be payable for newborn infants from the moment of birth; provided that the coverage for newly born children shall be limited to the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth and payment of the required premium must be furnished the insurer within thirty-one days after the date of birth in order to have the coverage continue beyond the thirty-one-day period."

SECTION 89. Section 431:10A-120, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each policy of accident and health or sickness insurance, other than life insurance, disability income insurance, and long-term care insurance, issued or renewed in this State, each employer group health policy, contract, plan, or agreement issued or renewed in this State, all accident and health or sickness insurance policies issued or renewed in this State,

all policies providing family coverages as defined in section 431:10A-103, and all policies providing reciprocal beneficiary and civil union family coverage as defined in section 431:10A-601, shall contain a provision for coverage for medical foods and low-protein modified food products for the treatment of an inborn error of metabolism for its policyholders or dependents of the policyholder in this State; provided that the medical food or low-protein modified food product is:

- (1) Prescribed as medically necessary for the therapeutic treatment of an inborn error of metabolism; and
- (2) Consumed or administered enterally under the supervision of a physician or osteopathic physician licensed under chapter 453.

Coverage shall be for at least eighty per cent of the cost of the medical food or low-protein modified food product prescribed and administered pursuant to this subsection."

SECTION 90. Section 431:10A-206, Hawaii Revised Statutes, is amended to read as follows:

"§431:10A-206 Coverage of newborn children. All group or blanket disability policies providing family coverage, as defined in section 431:10A-103 and reciprocal beneficiary and civil union family coverage, as defined in section 431:10A-601, on an expense incurred basis shall provide coverage for newborn children in compliance with section 431:10A-115."

SECTION 91. Section 431:10A-601, Hawaii Revised Statutes, is amended to read as follows:

"[H§431:10A-601] Reciprocal beneficiary and civil union family coverage defined; policyholder and employer responsibility for costs; availability. (a) Any other law to the contrary notwithstanding, reciprocal beneficiary and civil union family coverage, as defined in subsection (b), shall be made available to reciprocal beneficiaries as defined in chapter 572C and partners in a civil union as defined in chapter A but only to the extent that family coverage, as defined in section 431:10A-103, is currently available to individuals who are not reciprocal beneficiaries[-] or partners in a civil union.

(b) As used in this section, "reciprocal beneficiary and civil union family coverage" means a policy that insures, originally or upon subsequent amendment, a reciprocal beneficiary or civil union partner who shall be deemed the policyholder, the other party to the policyholder's reciprocal-beneficiary relationship registered pursuant to chapter 572C, or civil union registered pursuant to chapter A and dependent children or any child of any other person dependent upon either reciprocal beneficiary[-] or partner to a civil union.

(c) If a reciprocal beneficiary or civil union partner policyholder incurs additional costs or premiums, if any, by electing reciprocal beneficiary and civil union family coverage under this section, the employer may pay additional costs or premiums."

SECTION 92. Section 431:10C-103, Hawaii Revised Statutes, is amended by amending the definition of "insured" as follows:

""Insured" means:

- (1) The person identified by name as insured in a motor vehicle insurance policy complying with section 431:10C-301; and
- (2) A person residing in the same household with a named insured, specifically:
 - (A) A spouse [ø], reciprocal beneficiary, or civil union partner, or other relative of a named insured; and
 - (B) A minor in the custody of a named insured or of a relative residing in the same household with a named insured.

A person resides in the same household if the person usually makes the person's home in the same family unit, [which] that may include reciprocal beneficiaries[-] and civil union partners, even though the person temporarily lives elsewhere."

SECTION 93. Section 431:10C-302, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to the motor vehicle insurance coverages described in section 431:10C-301, every insurer issuing a motor vehicle insurance policy shall make available to the insured the following optional insurance

under the following conditions. Every insurer issuing a commercial motor vehicle insurance policy shall make available to the insured the following optional insurance, except for those benefits under paragraphs (4), (5), (9), (10), and (11) under the following conditions:

- (1) At the option of the insured, provisions covering loss resulting from damage to the insured's motor vehicle with such deductibles, including but not limited to collision and comprehensive deductibles of \$50, \$100, \$250, \$500, \$1,000, \$1,500, and \$2,000, at appropriately reduced premium rates, as the commissioner, by rule, shall provide;
- (2) At the option of the insured, compensation to the insured, the insured's spouse, or civil union partner, any dependents, or any occupants of the insured's vehicle for damages not covered by personal injury protection benefits;
- (3) Additional coverages and benefits with respect to any injury or any other loss from motor vehicle accidents or from operation of a motor vehicle for which the insurer may provide for aggregate limits with respect to such additional coverage so long as the basic liability coverages provided are not less than those required by section 431:10C-301(b)(1) and (2);
- (4) At the option of the insured, an option in writing for coverage for wage loss benefits for monthly earnings loss for injury arising out of a motor vehicle accident. Any change in the wage loss benefits coverage selected by an insured shall apply only to benefits arising out of motor vehicle accidents occurring after the date the change becomes effective. Coverage shall be offered in multiples of \$500 a month/\$3,000 per accident per person, from \$500 a month/\$3,000 per accident to \$2,000 a month/\$12,000 per accident; however, nothing shall prevent an insurer from making available higher limits of coverage;
- (5) An option in writing for minimum coverage for death benefits for death arising out of a motor vehicle accident in an amount of \$25,000, to be paid to the surviving spouse[-] or civil union partner, for the benefit of the spouse or civil union partner and dependent children, or if there are no surviving spouse, civil union partner, or dependent children, then to the estate. Coverage shall also be made available for increased death benefits in increments of \$25,000 up to \$100,000; however, nothing shall prevent an insurer from making available higher limits of coverage. At the option of the insured, coverage for funeral expenses of \$2,000 shall be made available;
- (6) Terms, conditions, exclusions, and deductible clauses, coverages, and benefits which:
 - (A) Are consistent with the required provisions of the policy;
 - (B) Limit the variety of coverage available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers; and
 - (C) Are approved by the commissioner as fair and equitable;
- (7) At appropriately reduced premium rates, deductibles applicable only to claims of an insured in the amounts of \$100, \$300, \$500, and \$1,000 from all personal injury protection benefits otherwise payable; provided that if two or more insureds to whom the deductible is applicable under the contract of insurance are injured in the same accident, the aggregate amount of the deductible applicable to all of them shall not exceed the specified deductible, which amount where necessary shall be allocated equally among them;
- (8) Every insurer shall fully disclose the availability of all required and optional coverages and deductibles, including the nature and amounts, at the issuance or delivery of the policy; or, for a policy already issued on January 1, 1998, disclosure shall be made at the first renewal after January 1, 1998. The insurer shall also disclose at issuance or renewal, as applicable, the effect on premium rates and savings of each option and deductible. Further offers or disclosures thereafter shall be required to be included with every other renewal or replacement policy. All elections of coverages, options, and deductibles by a named insured shall be binding upon additional insureds covered under the named insured's policy. The

purpose of this paragraph is to inform insureds or prospective insureds of the coverages under this article;

- (9) (A) An insurer may make available, and provide at the option of the named insured, the benefits described in section 431:10C-103.5(a) through managed care providers such as a health maintenance organization or a preferred provider organization. The option may include conditions and limitations to coverage, including deductibles and coinsurance requirements, as approved by the commissioner. The commissioner shall approve those conditions and limitations which are substantially comparable to or exceed the coverage provided under section 431:10C-103.6;
- (B) An insurer may make available, and provide at the option of the named insured, deductible and coinsurance arrangements whereby the recipient of care, treatment, services, products, expenses, or accommodations shares in the payment obligation;
- (C) No deductible or coinsurance under a policy covered under section 431:10C-302(a)(9)(A) or (B) shall be applied with respect to care, treatment, services, products, or accommodation provided or expenses incurred by an insured during the first twenty-four hours in which emergency treatment has been provided or until the insured patient's emergency medical condition is stabilized, whichever is longer;
- (D) (i) The optional coverage prescribed in section 431:10C-302(a)(9)(A) and (B) shall apply only to the named insured, resident spouse, resident civil union partner, or resident relative; and
 - (ii) "Resident relative" means a person who, at the time of the accident, is related by blood, marriage, civil union, or adoption to the named insured [øf], resident spouse, resident civil union partner, and who resides in the named insured's household, even if temporarily living elsewhere, and any ward or foster child who usually resides with the named insured, even if living elsewhere;
- (E) An agreement made under section 431:10C-302(a)(9) must be a voluntary agreement between the insured and the insurer, and no insurer shall require an insured to agree to those policy provisions as a condition of providing insurance coverage. Requiring an agreement as a precondition to the provision of insurance shall constitute an unfair insurance practice and shall be subject to the provisions, remedies, and penalties provided in article 13; and
- (F) An insurer providing the coverages authorized in section 431:10C-302(a)(9)(A) and (B) shall demonstrate in rate filings submitted to the commissioner the savings to the insured to be realized under the plan;
- (10) An insurer shall make available optional coverage for naturopathic, acupuncture, nonmedical remedial care, and treatment rendered in accordance with the teachings, faith, or belief of any group which relies upon spiritual means through prayer for healing; and
- (11) An insurer may make available optional coverage for chiropractic treatment in addition to chiropractic treatment provided under section 431:10C-103.6 for not more than the lesser of the following:
 - (A) Thirty additional visits at no more than \$75 a visit; or
 - (B) Treatment as defined by the Hawaii Chiropractic Association guidelines in effect on January 25, 1997.

The commissioner shall adopt rules, including policy limits, terms, and conditions as necessary to implement the requirements of this section."

SECTION 94. Section 431:10C-305, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) (1) Except as provided in paragraph (2), personal injury protection benefits shall be paid primarily from the following sources in the following conditions:

- (A) The insurance on the vehicle occupied by the injured person at the time of the accident; or

- (B) The insurance on the vehicle which caused accidental harm if the injured person is a pedestrian (including a bicyclist).

If there is no insurance on the vehicle, any other motor vehicle insurance applicable to the injured person shall apply.

No person shall recover personal injury protection benefits from more than one insurer for accidental harm as a result of the same accident;

- (2) All personal injury protection benefits shall be paid secondarily and net of any benefits a person is entitled to receive because of the accidental harm from workers' compensation laws; provided that:
 - (A) The total amount a person is entitled to receive for monthly earnings loss under this article shall be limited to the amount of any applicable coverage under section 431:10C-302, without any deduction of any amount received as compensation for lost earnings under any workers' compensation law;
 - (B) The aggregate of the payments from both sources shall not exceed eighty per cent of the person's monthly earnings as provided in section 431:10C-302(a)(4). However, if the person's employer provides both workers' compensation and personal injury protection payments, the aggregate shall not exceed the person's net monthly earnings (computed by subtracting the total of federal and state income taxes and employee social security contributions from the gross monthly earnings), provided that the workers' compensation payments shall not be less than required by chapter 386; and
 - (C) This section shall not apply to benefits payable to a surviving spouse or surviving civil union partner and any surviving dependent as provided under section 431:10C-304.

If the person does not collect such benefits under the workers' compensation laws by reason of the contest of this right to so collect by the person or organization responsible for payment thereof, the injured person, if otherwise eligible, shall, nevertheless, be entitled to receive personal injury protection benefits and, upon payment thereof, the personal injury protection insurer shall be subrogated to the injured person's rights to collect such benefits."

SECTION 95. Section 431:10D-201, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Subsection (a) shall not apply to contracts of life insurance insuring only individuals:

- (1) Related by marriage, by civil union, by blood, or by legal adoption; or
- (2) Having a common interest through ownership of a business enterprise, or of a substantial legal interest or equity in the business enterprise, and who are actively engaged in its management; or
- (3) Otherwise having an insurable interest in each other's lives."

SECTION 96. Section 431:10H-205, Hawaii Revised Statutes, is amended by amending subsection (j) to read as follows:

"(j) Notwithstanding any other provision of this section, an insured individual whose eligibility for group long-term care coverage is based upon the individual's relationship to another person shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage or termination of a reciprocal beneficiary relationship[;] or civil union."

SECTION 97. Section 431:10H-402, Hawaii Revised Statutes, is amended to read as follows:

"[H]§431:10H-402[H] **Purchase of policy and payment of premiums on an individual's behalf.** An insurer shall allow a person to purchase an individual or group long-term care insurance policy and pay the premiums for an individual or group long-term care insurance policy that covers the person, the person's spouse, [øf] reciprocal beneficiary, or civil union partner, as well as their parents and grandparents, and in-law parents and grandparents. Nothing in this section shall preclude an insurer from underwriting such a policy."

SECTION 98. Section 431L-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Where a parent is required by a court or administrative order to provide health coverage for a child, and the parent is eligible for family coverage, as defined in section 431:10A-103, and reciprocal beneficiary and civil union family coverage, as defined in section 431:10A-601, the insurer shall be required:

- (1) To permit the parent to enroll, under the family coverage or reciprocal beneficiary and civil union family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions;
- (2) If the parent is enrolled but fails to make application to obtain coverage for the child, to enroll the child under family coverage or reciprocal beneficiary and civil union family coverage upon application of the child's other parent, the state agency administering the medicaid program, or the state agency administering the child support enforcement program; and
- (3) Not to disenroll (or eliminate coverage of) the child unless the insurer is provided satisfactory written evidence that:
 - (A) The court or administrative order is no longer in effect; or
 - (B) The child is or will be enrolled in comparable health coverage through another insurer that will take effect not later than the effective date of disenrollment."

SECTION 99. Section 431L-4, Hawaii Revised Statutes, is amended to read as follows:

"§431L-4 Employer obligations. Where a parent is required by a court or administrative order to provide health coverage, which is available through an employer doing business in this State, the employer is required:

- (1) To permit the parent to enroll under family coverage, as defined in section 431:10A-103 or reciprocal beneficiary and civil union family coverage, as defined in section 431:10A-601, any child who is otherwise eligible for coverage without regard to any enrollment season restrictions;
- (2) If the parent is enrolled but fails to make application to obtain coverage of the child, to enroll the child under family coverage or reciprocal beneficiary and civil union family coverage upon application by the child's other parent, by the state agency administering the medicaid program, or by the state agency administering the child support enforcement program;
- (3) Not to disenroll (or eliminate coverage of) any such child unless the employer is provided satisfactory written evidence that:
 - (A) The court or administrative order is no longer in effect;
 - (B) The child is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment; or
 - (C) The employer has eliminated family health coverage or reciprocal beneficiary and civil union family coverage for all of its employees; and
- (4) To withhold from the employee's compensation the employee's share (if any) of premiums for health coverage and to pay this amount to the insurer."

SECTION 100. Section 432:1-104, Hawaii Revised Statutes, is amended to read as follows:

"§432:1-104 Definitions. For the purposes of this article:

- (1) Commissioner means the insurance commissioner of the State of Hawaii.
- (2) Mutual benefit society is any corporation, unincorporated association, society, or entity:
 - (A) Organized and carried on for the primary benefit of its members and their beneficiaries and not for profit; and:
 - (i) Making provision for the payment of benefits in case of sickness, disability, or death of its members, or disability, or death of its members' spouses [øf], reciprocal beneficiaries, or civil union partners, or children, or
 - (ii) Making provision for the payment of any other benefits to or for its members,

whether or not the amount of the benefits is fixed or rests in the discretion of the society, its officers, or any other person or persons; and the fund from which the payment of the benefits shall be defrayed is derived from assessments or dues collected from its members, and the payment of death benefits is made to the families, including reciprocal beneficiaries[;] or civil union partners, heirs, blood relatives, or persons named by its members as their beneficiaries; or

(B) Organized and carried on for any purpose, which:

- (i) Regularly requires money to be paid to it by its members, whether the money be in the form of dues, subscriptions, receipts, contributions, assessments or otherwise, and
- (ii) Provides for the payment of any benefit or benefits or the payment of any money or the delivery of anything of value to its members or their relatives including reciprocal beneficiaries[;] or civil union partners, or to any person or persons named by its members as their beneficiaries, or to any class of persons which includes or may include its members,

whether or not the amount or value of the benefit, benefits, money, or thing of value is fixed, or rests in the discretion of the society, its officers, or any other person or persons; or

(C) Organized and carried on for any purpose, whose requirements and provisions although not identical with, are determined by the commissioner to be substantially similar to, those enumerated in subparagraphs (A) and (B).

Participating in a prepaid legal service plan subject to chapter 488 shall not in itself make a corporation, unincorporated association, society, or entity a mutual benefit society and subject to this article."

SECTION 101. Section 432:1-604, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For the purposes of this section, the term "spouse" means a person who is lawfully married to the patient or in a lawful civil union with the patient under the laws of the State."

SECTION 102. Section 443B-1, Hawaii Revised Statutes, is amended by amending the definition of "debtor" to read as follows:

""Debtor" means any person or the person's spouse [øf], reciprocal beneficiary, civil union partner, parent (if the person is a minor), guardian, executor, or administrator obligated or allegedly obligated to pay a debt."

SECTION 103. Section 444-28, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The court shall proceed upon such application in a summary manner, and, upon the hearing thereof, the injured person shall be required to show:

- (1) The injured person is not a spouse or civil union partner of debtor, or the personal representative of such spouse[;] or civil union partner.
- (2) The injured person has complied with all the requirements of this section.
- (3) The injured person has obtained a judgment as set out in subsection (b) of this section, stating the amount thereof and the amount owing thereon at the date of the application.
- (4) The injured person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.
- (5) That by such search the injured person has discovered no personal or real property or other assets liable to be sold or applied, or that the injured person has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that the injured person has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized."

SECTION 104. Section 453-15, Hawaii Revised Statutes, is amended to read as follows:

"§453-15 Who shall give consent to a postmortem examination. A pathologist or any licensed physician, osteopathic physician, or surgeon may conduct a postmortem examination when written consent thereto is given by whoever of the following assumes custody of the body for purposes of burial: father, mother, husband, wife, reciprocal beneficiary, civil union partner, child, guardian, next of kin, or, in the absence of any of the foregoing, a friend or person, including a governmental agency, charged by law with the responsibility for the burial. If two or more persons assume custody of the body, the consent of one of them is sufficient. The consent shall include the consent to the retention by the pathologist or licensed physician, osteopathic physician, or surgeon who conducts the postmortem examination of tissues, including fetal material, of the body removed at the time of the postmortem examination to be used for necessary or advisable scientific investigation, including research, teaching, and therapeutic purposes."

SECTION 105. Section 453D-14, Hawaii Revised Statutes, is amended to read as follows:

"[H]§453D-14[H] Mental health counselor prohibited from testifying in alimony [and], divorce, or termination actions. If both parties to a marriage or civil union have obtained mental health counseling from a licensed mental health counselor, the counselor shall be prohibited from testifying in an alimony [or], divorce, or termination action concerning information acquired in the course of mental health counseling. This section shall not apply to custody actions whether or not part of a divorce or termination proceeding."

SECTION 106. Section 454F-1, Hawaii Revised Statutes, is amended by amending the definition of "immediate family member" to read as follows:

""Immediate family member" means a spouse, civil union partner, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, stepsibling, and equivalent adoptive relationships."

SECTION 107. Section 454F-42, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The court shall proceed upon an application to recover from the mortgage loan recovery fund in a summary manner and, at hearing, the aggrieved person shall be required to show:

- (1) The person is not a spouse or civil union partner of the judgment debtor or the personal representative of a spouse or civil union partner of the judgment debtor;
- (2) The person has complied with all the requirements of this section;
- (3) The person has obtained a judgment or settlement pursuant to section 454F-41(a) that states the amount of the judgment and the amount owed on the judgment debt as of the date of the application;
- (4) The person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets liable to be sold or applied in satisfaction of the judgment; and
 - (A) The search has uncovered no personal or real property or other assets liable to be sold or applied; or
 - (B) The search has uncovered personal or real property or other assets liable to be sold or applied, the person has taken all necessary action and completed all necessary proceedings for the realization thereof, and the amount realized was insufficient to satisfy the judgment; provided that the person shall state the amount realized and the balance remaining due on the judgment after application of the amount realized; and
- (5) That where the licensee is a judgment debtor in a bankruptcy proceeding, the aggrieved person has obtained an order from the bankruptcy court declaring the judgment against the licensee to be non-dischargeable."

SECTION 108. Section 467-18, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The court shall proceed upon the application in a summary manner and, upon the hearing thereof, the aggrieved person shall be required to show:

- (1) The person is not a spouse or civil union partner of debtor, or the personal representative of such spouse[;] or civil union partner;
- (2) The person has complied with all the requirements of this section;
- (3) The person has obtained a judgment as set out in subsection (b) of this section, stating the amount thereof and the amount owing thereon at the date of the application;
- (4) The person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment;
- (5) That by such search the person has discovered no personal or real property or other assets liable to be sold or applied, or that the person has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that the person has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized; and
- (6) That where the real estate broker or real estate salesperson is a debtor in a bankruptcy proceeding, the aggrieved person has obtained an order from the bankruptcy court declaring the judgment against the real estate broker or real estate salesperson to be non-dischargeable."

SECTION 109. Section 477E-3, Hawaii Revised Statutes, is amended to read as follows:

"[H]§477E-3[H] Prohibited credit discrimination. (a) It shall be unlawful for any creditor to discriminate against any applicant on the basis of marital or civil union status with respect to any aspect of a credit transaction.

(b) An inquiry of marital or civil union status shall not constitute discrimination for the purposes of this chapter if such inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit, and not to discriminate in a determination of creditworthiness.

(c) A request for the signature of both parties to a marriage or civil union for the purpose of creating a valid lien, passing clear title, waiving inchoate rights to, or assigning the earnings and profits, in any transaction involving real property shall not be construed to be discrimination under this part; provided that this provision shall not be construed to permit a creditor to take marital or civil union status into account in connection with the evaluation of creditworthiness of any applicant.

(d) Consideration or application of the real property laws directly or indirectly affecting creditworthiness shall not constitute discrimination for any purpose of this chapter.

(e) Whenever either party to a marriage or civil union contracts separately for credit or a loan, the contracting party shall be solely responsible for the debt so contracted.

(f) Whenever each party to a marriage or civil union separately and voluntarily applies for, and obtains, separate credit accounts or loans with the same creditor, those accounts or loans shall not be aggregated, or otherwise combined, for purposes of determining permissible finance charges, or permissible loan ceilings."

SECTION 110. Section 481E-1, Hawaii Revised Statutes, is amended by amending the definition of "athlete agent" to read as follows:

""Athlete agent" means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, civil union partner, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization."

SECTION 111. Section 481J-1, Hawaii Revised Statutes, is amended by amending the definition of "consumer" to read as follows:

""Consumer" means the purchaser, other than for purposes of resale, of a used motor vehicle primarily used for personal, family, or household purposes and subject to a warranty, and the spouse, civil union partner, or child of the purchaser if the motor vehicle is transferred to the spouse, civil union partner, or child during the duration of any warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty."

SECTION 112. Section 489N-1, Hawaii Revised Statutes, is amended by amending the definition of "marital history information" to read as follows:

""Marital or civil union history information" means a declaration of a Hawaii resident's current marital or civil union status, the number of times the Hawaii resident has previously been married[;] or a partner in a civil union, the number of domestic abuse orders of protection issued against the Hawaii resident, and whether any previous marriages or civil unions by the Hawaii resident occurred as a result of receiving services from an international matchmaking organization."

SECTION 113. Section 489N-2, Hawaii Revised Statutes, is amended to read as follows:

"§489N-2 Dissemination of criminal record and marital or civil union history information. (a) Each international matchmaking organization doing business in this State shall:

- (1) Notify all recruits that criminal history record information and marital or civil union history information is available upon request;
 - (2) Provide the notice required by paragraph (1) in the recruit's native language and display it in a manner that separates it from other information, is conspicuous, and in lettering not less than one-quarter of an inch high;
 - (3) Upon request, disseminate to a recruit in the recruit's native language all criminal conviction information and marital or civil union history information in the possession of the international matchmaking organization relating to a Hawaii resident about whom any information is provided to the recruit;
 - (4) Require a Hawaii resident requesting the services of an international matchmaking organization to submit or authorize the international matchmaking organization access to the resident's complete criminal history and marital or civil union history information; and
 - (5) Submit an annual report on its business activities to the department of commerce and consumer affairs.
- (b) Upon receipt of a request for criminal conviction or marital or civil union history information from a recruit, an international matchmaking organization shall refrain from providing any further services to the recruit or the Hawaii resident with regard to facilitating future interaction between the recruit and the Hawaii resident until the Hawaii resident has submitted to the organization:

- (1) The complete transcript of any criminal history record of the Hawaii resident or a statement that there is no record of convictions; provided that these are obtained from the Hawaii criminal justice data center based on a submission of fingerprint impressions and sent directly to the organization by the Hawaii criminal justice data center; and
- (2) The Hawaii resident's marital or civil union history information, accompanied by an affirmation by the Hawaii resident that any marital or civil union history information provided is complete and accurate and includes information regarding the Hawaii resident's marriages[;] or civil unions, including annulments, dissolutions, and the number of domestic abuse orders of protection issued against the Hawaii resident that occurred in this State or in any other state or country."

SECTION 114. Section 490:9-102, Hawaii Revised Statutes, is amended by amending the definition of "person related to" to read as follows:

""Person related to", with respect to an individual, means:

- (1) The spouse or civil union partner of the individual;

- (2) A brother, brother-in-law, sister, or sister-in-law of the individual;
- (3) An ancestor or lineal descendant of the individual or the individual's spouse[;] or civil union partner; or
- (4) Any other relative, by blood [øf] marriage, or civil union, of the individual or the individual's spouse or civil union partner who shares the same home with the individual.

"Person related to", with respect to an organization, means:

- (1) A person directly or indirectly controlling, controlled by, or under common control with the organization;
- (2) An officer or director of, or a person performing similar functions with respect to, the organization;
- (3) An officer or director of, or a person performing similar functions with respect to, a person described in paragraph (1);
- (4) The spouse or civil union partner of an individual described in paragraph (1), (2), or (3); or
- (5) An individual who is related by blood [øf], marriage, or civil union to an individual described in paragraph (1), (2), (3), or (4) and shares the same home with the individual."

SECTION 115. Section 501-23, Hawaii Revised Statutes, is amended to read as follows:

"§501-23 Application, form, and contents. The application shall be in writing, signed, and sworn to by the applicant or by some person duly authorized in the applicant's behalf. If there is more than one applicant, the application shall be signed and sworn to by, or in behalf of, each. It shall contain a description of the land, with a statement of the estate or interest of the applicant in the land. It shall state whether the applicant is married[;] or a party to a civil union, and if married or a party to a civil union, the name in full of the wife or husband or civil union partner, the time and place of marriage[;] or civil union, and the name and office of the officer performing the marriage or civil union ceremony; and if unmarried[;] or not a party to a civil union, whether the applicant has been married, or a party to a civil union, and if so, when and how the marriage or civil union relation terminated; and if by divorce[;] or termination, when, where, and by what court the divorce or termination was granted. It shall also state the name in full and the address of the applicant and also the names and addresses of the adjoining owners and occupants, if known; and if not known, it shall state what search has been made to find them. If the applicant has been known by more than one name, the applicant shall state all the applicant's names in full. It may be in form as follows:

State of Hawaii.

To the Honorable Judge of the Land Court:

I (or we), the undersigned, hereby apply to have the land herein described brought under the operation and provisions of chapter 501 of the Hawaii Revised Statutes and to have my (or our) title therein registered and confirmed as an absolute (qualified or possessory) title. And I (or we) declare:

- (1) That I am (or we are) the owner (or owners) in fee simple of a certain parcel of land, with the buildings (if any, and if not, strike out the clause), situate in (here insert accurate description).
- (2) That the land at the last assessment for taxation was assessed at....dollars; and the buildings (if any) at....dollars.
- (3) That I (or we) do not know of any mortgage or encumbrance affecting the land, or that any other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion, or expectancy. (If any, add "other than as follows," and set forth each clearly.)
- (4) That I (or we) obtained title (if by deed, state name of grantor, date, and place of record, and file the deed, or state reason for not filing. If in any other way, state it).
- (5) That the land is....occupied (state name in full, residence and post office address of occupant and the nature of the occupancy. If unoccupied, insert "not").
- (6) That the names in full and addresses as far as known to me (or us) of the occupants of all lands adjoining the land are as follows: (give

post office address, street, and number wherever possible. If names not known, state whether inquiry has been made, and what inquiry.)

- (7) That the names and addresses so far as known to me (or us) of the owners of all lands adjoining above land are as follows: (same directions as above.)
- (8) That I am (or we are) married or a party to a civil union (follow literally the directions given in section 501-23.)
- (9) That my (or our) full name (or names), residence and post office address are as follows:

Dated:

(Schedule of documents.)

.....
(Signature).

State of Hawaii } ss.

Dated:

Then personally appeared the above named..... known to me to be the signer (or signers) of the foregoing application, and made oath before me, that the statements made therein, so far as made of the signer (or signers) own knowledge are true, and so far as made upon information and belief, that the signer (or signers) believes them to be true.

....., Notary Public."

SECTION 116. Section 501-74, Hawaii Revised Statutes, is amended to read as follows:

"§501-74 Decree, contents of. Every decree of registration shall bear the date of the year, day, hour, and minute of its entry, and shall be signed by the registrar. It shall state whether the owner is married or unmarried, party to a civil union or not party to a civil union, and if married or party to a civil union, the full name of the husband or wife[-] or civil union partner. If the owner (or spouse or civil union partner of the owner) has been known by more than one name, all the names of such person shall be stated. The wife's maiden name and surname shall be stated in all cases. If the owner is under disability it shall state the nature of the disability, and if a minor, shall state the minor's age. It shall contain a description of the land as finally determined by the court; and shall set forth the estate of the owner, and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments, and other encumbrances including rights of husband [ø], wife, or civil union partner, if any, to which the land or the owner's estate is subject; and may contain any other matter properly to be determined in pursuance of this chapter. The decree shall be stated in a convenient form for transcription upon the certificate of title hereinafter mentioned."

SECTION 117. Section 501-81, Hawaii Revised Statutes, is amended to read as follows:

"§501-81 Legal incidents of registered land. Registered land, and ownership therein, shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. Nothing in this chapter shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife or partners in a civil union; or from liability to attachment or mesne process or levy on execution; or from liability to any lien of any description established by law on land and the buildings thereon, or in the interest of the owner in land or buildings; or to change the laws of descent except as provided in section 501-71; or the rights of partition between coparceners and other cotenants; or the right to take the same by eminent domain; or to relieve such land from liability to be recovered by a trustee in bankruptcy under the provisions of law relating to preferences; or to change or affect in any way any other rights or liabilities created by law and applicable to unregistered land; except as otherwise expressly provided in this chapter."

SECTION 118. Section 501-105, Hawaii Revised Statutes, is amended to read as follows:

"§501-105 Grantee's address, etc., to be stated. Every deed or other voluntary instrument presented for recording shall contain or have indorsed upon it the full name or names, if more than one, and the address of the grantee or other person acquiring or claiming an interest under the instrument and every document shall also contain or have indorsed upon it a statement that the grantee is married or unmarried, party to a civil union or not party to a civil union, and if married[-] or party to a civil union, the statement shall give the name in full of the husband or wife[-] or civil union partner. Whenever the grantee is a corporation or partnership, the document shall contain or have indorsed upon it the state where the entity is registered and the entity's address. All names and addresses shall also be entered on all certificates. Notices and processes issued in relation to registered land in pursuance of this chapter may be served upon any person in interest by mailing the same to the address so given, and shall be binding whether such person resides within or without the State.

Any deed conveying one or more but not all lots or all interests in a lot appurtenant to apartments or units in a condominium project in a certificate shall contain full memoranda relating to easements, rights-of-way, and all other liens and encumbrances affecting the particular lot, lots, interest appurtenant to an apartment or unit, or interests appurtenant to apartments or units conveyed. If the deed affects all of the land or interests appurtenant to apartments or units in a certificate of title, encumbrances may be referred to by reference."

SECTION 119. Section 501-196, Hawaii Revised Statutes, is amended to read as follows:

"§501-196 Alterations upon registration book prohibited when; court hearings; limitations. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon, and the approval of the same by the registrar or an assistant registrar except by order of the court recorded with the assistant registrar, provided that the registrar or assistant registrar may correct any clerical error made by personnel of the registrar's or assistant registrar's office. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant, or inchoate have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error, omission, or mistake was made in entering a certificate or any memorandum thereon; or that the name of any person on the certificate has been changed; or that the registered owner has been married[-] or a partner to a civil union, or if registered as married or as a partner to a civil union, that the marriage or civil union has been terminated; or that a corporation [which] that owned registered land and has been dissolved has not conveyed the same within three years after its dissolution, or upon any other reasonable ground. The court shall have jurisdiction to hear and determine the petition after notice to all parties in interest and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper. This section shall not be construed to give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which impairs the title or other interest of a purchaser holding a certificate for value and in good faith, or the purchaser's heirs or assigns, without the purchaser's or their written consent.

Any petition filed under this section and all petitions and motions filed under this chapter after original registration shall be filed and entitled in the original case in which the decree of registration was entered."

SECTION 120. Section 501-246, Hawaii Revised Statutes, is amended to read as follows:

"[H]§501-246[H] Legal incidents of a leasehold time share interest. A leasehold time share interest, and ownership therein, shall in all respects be subject to the same burdens and incidents which attach by law to the lessee's interest in a leasehold apartment that is part of a condominium property regime established on unregistered land and which is not utilized in a time share plan.

Nothing in this part shall, in any way, be construed to relieve a leasehold time share interest or the owners thereof:

- (1) From any rights incident to the relation of husband and wife[;] or partners in a civil union;
- (2) From liability to attachment or mesne process or levy on execution;
- (3) From liability to any lien of any description established by law on the leasehold time share interest, or in the interest of the owner in the leasehold time share interest;
- (4) To change the laws of descent;
- (5) The rights of partition between coparceners and other cotenants;
- (6) The right to take the same by eminent domain;
- (7) To relieve such leasehold time share interest from liability to be recovered by a trustee in bankruptcy under the provisions of law relating to preferences; or
- (8) To change or affect in any way any other rights or liabilities created by law and applicable to the lessee's interest in a leasehold apartment which is part of a condominium property regime established on unregistered land and which is not utilized in a time share plan; except as otherwise expressly provided in this part."

SECTION 121. Section 501-268, Hawaii Revised Statutes, is amended to read as follows:

"[H]§501-268[~~]~~ **Legal incidents of deregistered land.** Nothing in this part shall in any way be construed to relieve deregistered land or the owners of deregistered land from:

- (1) Any rights incident to the relation of husband and wife[;] or partners in a civil union;
- (2) Liability to attachment or mesne process or levy on execution;
- (3) Liability to any lien of any description established by law on the deregistered land, or in the interest of the owner in the deregistered land;
- (4) The right to change the laws of descent;
- (5) The rights of partition between coparceners and other cotenants;
- (6) The right to take the same by eminent domain;
- (7) Liability to be recovered by a trustee in bankruptcy under the provisions of law relating to preferences;
- (8) Any other rights or liabilities created by law and applicable to the owner of a condominium apartment that is part of a condominium property regime established on registered land and which is not used in a time share plan, except as otherwise expressly provided in this part; or
- (9) Any other rights or liabilities created by law and applicable to the deregistered land, except as otherwise expressly provided [in] this part."

SECTION 122. Section 502-84, Hawaii Revised Statutes, is amended to read as follows:

"§502-84 **Powers of attorney, etc.** All articles of marriage settlement, civil union settlement, and powers of attorney for the transfer of real property within the State shall be recorded in the bureau of conveyances, in default of which no such instrument shall be binding to the detriment of third parties or conclusive upon their rights and interests."

SECTION 123. Section 508D-3, Hawaii Revised Statutes, is amended to read as follows:

"§508D-3 **Exemptions.** This chapter shall not apply to the following sales of residential real property:

- (1) Sale to a co-owner;
- (2) Sale to a spouse, civil union partner, parent, or child of the seller;
- (3) Sale by devise, descent, or court order;
- (4) Sale by operation of law, including but not limited to any transfer by foreclosure, bankruptcy, or partition, or any transfer to a seller's creditor incident to a deed (or assignment) in lieu of foreclosure, workout, or the settlement or partial settlement of any preexisting obligation of a seller owed a creditor and any later sale of residential real property by such creditor;

- (5) Sale by a lessor to a lessee resulting from conversion of leased land to fee simple;
- (6) Initial sale of new residential real property pursuant to chapter 484 under a current public offering statement or chapter 484 exemption;
- (7) Sales of condominium apartments or units accompanied by delivery of an unexpired developer's public report; or
- (8) Sale of time share interests as defined under chapter 514E."

SECTION 124. Section 509-2, Hawaii Revised Statutes, is amended to read as follows:

"§509-2 **Creation of joint tenancy, tenancy by the entirety, and tenancy in common.** (a) Land, or any interest therein, or any other type of property or property rights or interests or interest therein, may be conveyed by a person to oneself and another or others as joint tenants, or by a person to oneself and one's spouse [or], reciprocal beneficiary, or civil union partner, or by spouses to themselves, or by reciprocal beneficiaries to themselves, or by civil union partners to themselves, as tenants by the entirety, or by joint tenants to themselves and another or others as joint tenants, or tenants in common to themselves or to themselves and another or others as joint tenants, or by tenants by the entirety to themselves or themselves and another or others as joint tenants or as tenants in common, or by one tenant by the entirety to the tenant's spouse or reciprocal beneficiary of all of the tenant's interest or interests, without the necessity of conveying through a third party, and each such instrument shall be construed as validly creating a joint tenancy, tenancy by the entirety, tenancy in common, or single ownership, as the case may be, if the tenor of the instrument manifestly indicates such intention.

(b) For the purposes of this chapter:

"Civil union partner" means an adult who is a party to a civil union filed in accordance with chapter A, and has a valid civil union certificate that has not been terminated.

"Reciprocal beneficiary" means an adult who is a party to a registered reciprocal beneficiary relationship in accordance with chapter 572C, and has a valid certificate of reciprocal beneficiary relationship that has not been terminated."

SECTION 125. Section 514A-108, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) This part shall not apply to condominium projects where the developer intends to convey, and does in fact convey, all of the residential apartment units in the project to a spouse, civil union partner, or family members related by blood, descent or adoption."

SECTION 126. Section 514B-99.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This subpart shall not apply to:

- (1) A project developed pursuant to section 46-15 or 46-15.1, or chapter 53, 201H, 206, 346, or 356D; provided that the developer of the project may elect to be subject to this subpart through a written notification to the commission;
- (2) Condominium projects where the developer conveys all of the residential units in the project to a spouse, civil union partner, or family members related by blood, descent or adoption; and
- (3) Condominium projects consisting of two or fewer units."

SECTION 127. Section 516-25, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If the leasehold is subject to any mortgage, lien, or encumbrance suffered or permitted by the lessee, including, but not limited to, rights arising through divorce, termination, marriage, civil union, or assignment, the purchase of the leased fee by the lessee shall in no manner affect or impair the mortgage, lien, or encumbrance or the security afforded thereby to the holder thereof, and the leasehold shall continue, notwithstanding the purchase of the leased fee by the lessee, for the purpose and to extent necessary to avoid any impairment of such leasehold security, unless the holder of the leasehold mortgage, lien, or encumbrance shall in writing consent to the transfer thereof to the fee as herein provided. Upon the written consent by the holder thereof, each such mortgage, lien, or encumbrance to which the leasehold is subject and to which such consent refers shall be transferred to and shall bind the fee acquired by the lessee,

and shall thereafter continue in full force and effect as a mortgage, lien, or encumbrance of the fee acquired by the lessee, in the same order and priority among such mortgages, liens, and encumbrances so transferred to the fee as the same applied to and bound the lessee's immediate, previous leasehold interest."

SECTION 128. Section 516-28, Hawaii Revised Statutes, is amended to read as follows:

"§516-28 Disposition, generally. It shall be the policy of the Hawaii housing finance and development corporation to encourage the widespread fee simple ownership of residential lots situated within a development tract. Where necessary or desirable, the corporation may lease the residential lots. Not more than one lot shall be sold in fee simple or leased to a purchaser or lessee. A husband and wife together[;] or partners in a civil union together, unless separated and living apart under a decree of separation or termination issued by a court of competent jurisdiction, shall be entitled to only one lot."

SECTION 129. Section 516-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided under section 516-28, no application to purchase shall be accepted nor shall any sale of any residential houselet within a development tract be made to any person unless the person meets the following requirements:

- (1) Is at least eighteen years of age;
- (2) Is a bona fide resident of the State and resides on the lot, except in hardship circumstances as determined by the corporation on a case by case basis where such inability to reside on the lot arises out of a temporary job or military transfer, a temporary educational sabbatical or the serious illness of the person; provided further that if either the person or the lessor disagree with the corporation's determination, they shall be entitled to a contested case proceeding under chapter 91 in which both the person and lessor shall be parties;
- (3) Has legal title to, or pursuant to an agreement of sale an equitable interest in, a residential structure situated on the leased lot applied for; provided that for the purposes of this section, the vendor under such agreement of sale shall not be eligible to purchase the lot. An agreement of sale means an executory contract for the sale and purchase of real property which binds one party to sell and the other party to buy property which is the subject matter of the transaction;
- (4) Has a letter of credit, certificate of deposit, proof of funds, or approved application from any lending institution demonstrating that the person will be able to promptly pay the corporation for the leased fee interest in the lot;
- (5) Submits an application in good faith in such form as is acceptable to the corporation;
- (6) Executes a contract for purchase of the fee interest in such form as is acceptable to the administration; and
- (7) Does not own in fee simple lands suitable for residential purposes for such person within the county and in or reasonably near the place of business of such person or has or have pending before the Hawaii housing finance and development corporation an unrefused application to lease or purchase a lot in a development tract. A person is deemed to own lands herein if the person, the person's spouse[;] or civil union partner, or both the person and the person's spouse or civil union partner (unless separated and living apart under a decree of a court of competent jurisdiction) own lands."

SECTION 130. Section 516-71, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided for in this section, for any sale of a leasehold residential lot, no later than ten calendar days after the acceptance of the deposit, receipt, offer, and acceptance contract (DROA) or other similar contract, the seller shall directly or through the seller's agent provide to the buyer, a copy of the original recorded lease and any amendments thereto for the buyer's approval and acceptance. A sale for the purposes of this subsection shall not be deemed to include any transfer to a co-owner, or to a spouse [ø], reciprocal beneficiary, or civil union partner, parent or child of the seller, or to any stranger by devise, descent,

court order, or by operation of law, including, but not limited to, any transfer by foreclosure, bankruptcy, or partition sale. Upon receipt of the original lease and amendments thereto, the buyer shall have ten calendar days to review, accept, or reject the terms of the lease."

SECTION 131. Section 516-181, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If the leasehold on property acquired from the proceeds of an eligible loan is subject to any mortgage, lien, or encumbrance suffered or permitted by the eligible borrower, including, but not limited to, rights arising through divorce, termination, marriage, civil union, or assignment, the purchase of the leased fee interest in such residential houselet in no manner shall affect or impair the mortgage, lien, or encumbrance or the security afforded thereby to the holder thereof, and the leasehold shall continue, notwithstanding the purchase of the leased fee interest in such residential houselet by the eligible borrower, for the purposes and to the extent necessary to avoid any impairment of leasehold security, unless the holder of the mortgage, lien, or encumbrance on such leasehold and the corporation in writing shall consent to the transfer thereof to the fee. Upon the written consent by the holder thereof and the corporation, each such mortgage, lien, or encumbrance to which the leasehold is subject and to which such consent refers shall be transferred to and shall bind the fee acquired by the eligible borrower, and thereafter shall continue in full force and effect as a mortgage, lien, or encumbrance of the fee acquired by the eligible borrower, in the same order and priority among such mortgages, liens, and encumbrances so transferred to the fee as the same applied to and bound the eligible borrower's immediate, previous leased fee interest."

SECTION 132. Section 516D-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided in this section, for any sale of a condominium or a cooperative residential leasehold apartment or unit, no later than ten calendar days after the acceptance of the deposit, receipt, offer, and acceptance contract (DROA) or other similar contract, the seller, either directly or through the seller's agent, shall provide to the buyer for the buyer's approval and acceptance one of the following lease documents which provide the major provisions of the lease, such as the length of the lease, lease rent terms, lease rent renegotiation dates, how renegotiated lease rents will be calculated, and surrender clause provisions:

- (1) Master lease and any amendments thereto;
- (2) Apartment or unit lease and any amendments thereto; or
- (3) For initial buyers of condominium apartments or units only, an unexpired preliminary, final or supplemental condominium property regime public report.

A sale for the purposes of this subsection shall not be deemed to include any transfer to a co-owner, or to a spouse, civil union partner, parent, or child of the seller, or to any transfer by devise, descent, court order, or by operation of law, including but not limited to any transfer by foreclosure, bankruptcy, or partition sale. Upon receipt of the applicable lease document, the buyer shall have ten calendar days to review, accept or reject the terms of the lease."

SECTION 133. Section 524-1, Hawaii Revised Statutes, is amended by amending the definition of "facility" to read as follows:

""Facility" means a multi-unit residential building, including all operations associated therewith, used for retirement purposes in which living units are leased for a term to last for the lifetime of the lessee and the lessee's surviving spouse[;] or civil union partner, where the living unit is used as a residence by the lessee and the lessee's surviving spouse[;] or civil union partner, and where the living unit reverts back to the lessor upon the death of the lessee and the lessee's surviving spouse[;] or civil union partner."

SECTION 134. Section 525-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For the purposes of this chapter, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of a nonvested property interest or a property interest subject to a power of appointment described in section 525-1(b) or (c), the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates.

For the purposes of this chapter, a joint power with respect to community property under chapter 510 held by individuals married to each other or partners in a civil union is a power exercisable by one person alone."

SECTION 135. Section 525-4, Hawaii Revised Statutes, is amended to read as follows:

"§525-4 Exclusions from statutory rule against perpetuities. Section 525-1 shall not apply to:

- (1) A fiduciary's power to sell, lease, or mortgage property, and the power of a fiduciary to determine principal and income;
- (2) A discretionary power of a trustee to distribute principal before termination of a trust;
- (3) A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;
- (4) A property interest in or a power of appointment with respect to a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries [ø], or spouses[;], or civil union partners;
- (5) A property interest, power of appointment, or arrangement that was not subject to the common-law rule against perpetuities or is excluded by any other applicable law; or
- (6) A trust described in chapter 554G."

SECTION 136. Section 539-1, Hawaii Revised Statutes, is amended by amending the definition of "heirs" to read as follows:

"Heirs" means those persons, including the surviving spouse[;], or civil union partner, who are entitled under the statutes of intestate succession to the property of a decedent."

SECTION 137. Section 551-2, Hawaii Revised Statutes, is amended to read as follows:

"§551-2 Guardian ad litem; next friend; appointment. Nothing in this chapter impairs or affects the power of any court to appoint a guardian to defend the interests of any minor or person not in being impleaded in such court, or interested in any matter there pending, or its power to appoint or allow any person as next friend for a minor, to commence, prosecute, or defend any action or proceeding in the minor's behalf; provided that in all proceedings for annulment, divorce, termination, or separation, except in the case of annulment on the ground of nonage, either spouse[;], or civil union partner, although a minor, may sue or be sued in the minor's name without a guardian or next friend."

SECTION 138. Section 553A-1, Hawaii Revised Statutes, is amended by amending the definition of "member of the minor's family" to read as follows:

"Member of the minor's family" means the minor's parent, stepparent, spouse, civil union partner, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption."

SECTION 139. Section 554B-1, Hawaii Revised Statutes, is amended by amending the definition of "member of the beneficiary's family" to read as follows:

"Member of the beneficiary's family" includes a beneficiary's spouse, civil union partner, descendant, stepchild, parent, stepparent, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption."

SECTION 140. Section 554B-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in transfers for benefit of husband and wife[;], or partners in a civil union, for whom survivorship is presumed, no right of survivorship exists unless the writing creating the custodial trust specifically provides for survivorship. (Or as is required as to community property.)"

SECTION 141. Section 554G-2, Hawaii Revised Statutes, is amended by amending the definition of "former spouse" and "spouse" to read as follows:

"Former spouse" means a person to whom the transferor was married or in a civil union where the marriage or civil union was dissolved or termination before the time of the permitted transfer.

"Spouse" means a person to whom the transferor is married or in a civil union at the time of the permitted transfer."

SECTION 142. Section 557A-104, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) A trustee may not make an adjustment:

- (1) That diminishes the income interest in a trust that requires all of the income to be paid at least annually to a surviving spouse or surviving civil union partner and for which an estate tax or gift tax marital deduction would be allowed, in whole or in part, if the trustee did not have the power to make the adjustment;
- (2) That reduces the actuarial value of the income interest in a trust to which a person transfers property with the intent to qualify for a gift tax exclusion;
- (3) That changes the amount payable to a beneficiary as a fixed annuity or a fixed fraction of the value of the trust's assets;
- (4) From any amount that is permanently set aside for charitable purposes under a will or the terms of a trust, unless both income and principal are so set aside; provided that a trustee may transfer income to principal only upon a court order (unless the trustee is holding institutional funds as defined in section [517D-3] 517E-3 exclusively for the benefit of a community foundation and section [517D-4] 517E-4 applies);
- (5) If possessing or exercising the power to make an adjustment may cause an individual to be treated as the owner of all or part of the trust for income tax purposes, and the individual would not be treated as the owner if the trustee did not possess the power to make an adjustment;
- (6) If possessing or exercising the power to make an adjustment causes all or part of the trust assets to be included for estate tax purposes in the estate of an individual who has the power to remove a trustee or appoint a trustee, or both, and the assets would not be included in the estate of the individual if the trustee did not have the power to make an adjustment; or
- (7) If the trustee is a beneficiary of the trust."

SECTION 143. Section 557A-413, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If a marital deduction is allowed for all or part of a trust whose assets consist substantially of property that does not provide the surviving spouse or surviving civil union partner with sufficient income from or use of the trust assets, and if the amounts that the trustee transfers from principal to income under section 557A-104 and distributes to the spouse or civil union partner from principal pursuant to the terms of the trust are insufficient to provide the spouse or civil union partner with the beneficial enjoyment required to obtain the marital deduction, the spouse or civil union partner may require the trustee to make property productive of income, convert property within a reasonable time, or exercise the power conferred by section 557A-104(a). The trustee may decide which action or combination of actions to take."

SECTION 144. Section 560:1-201, Hawaii Revised Statutes, is amended by amending the definitions of "heirs" and "interested person" as follows:

"Heirs", except as controlled by section 560:2-711, means persons, including the surviving spouse [ø], reciprocal beneficiary, or civil union partner, and the State, who are entitled under the statutes of intestate succession to the property of a decedent.

"Interested person" includes heirs, devisees, children, spouses [ø], reciprocal beneficiaries, or civil union partners, creditors, beneficiaries, and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person. It also includes persons having priority for appointment as personal representative, and

other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding."

SECTION 145. Section 560:2-102, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-102 Share of spouse [ø], reciprocal beneficiary[-], or civil union partner. The intestate share of a decedent's surviving spouse [ø], reciprocal beneficiary, or civil union partner is:

- (1) The entire intestate estate if:
 - (A) No descendant or parent of the decedent survives the decedent; or
 - (B) All of the decedent's surviving descendants are also descendants of the surviving spouse [ø], reciprocal beneficiary, or civil union partner, and there is no other descendant of the surviving spouse [ø], reciprocal beneficiary, or civil union partner, who survives the decedent;
- (2) The first \$200,000, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;
- (3) The first \$150,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse [ø], reciprocal beneficiary, or civil union partner and the surviving spouse [ø], reciprocal beneficiary, or civil union partner has one or more surviving descendants who are not descendants of the decedent; or
- (4) The first \$100,000, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse [ø], reciprocal beneficiary[-], or civil union partner."

SECTION 146. Section 560:2-103, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-103 Share of heirs other than surviving spouse or reciprocal beneficiary. Any part of the intestate estate not passing to the decedent's surviving spouse [ø], reciprocal beneficiary, or civil union partner under section 560:2-102, or the entire intestate estate if there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, passes in the following order to the individuals designated below who survive the decedent:

- (1) To the decedent's descendants by representation;
- (2) If there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent; provided, however, if the decedent is a minor, and if it is shown by clear and convincing evidence that any parent has:
 - (A) Deserted the child without affording means of identification for a period of at least ninety days;
 - (B) Failed to communicate with the child when able to do so for a period of at least one year when the child is in the custody of another; or
 - (C) Failed to provide for care and support of the child when able to do so for a period of at least one year when the child is in the custody of another despite a child support order requiring such support;

such parent shall be deemed to have predeceased the decedent;

- (3) If there is no surviving descendant or parent entitled to inherit, to the descendants of the decedent's parents or either of them by representation; and
- (4) If there is no surviving descendant, parent entitled to take, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation; and the other half passes to the decedent's maternal relatives in the

same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half."

SECTION 147. Section 560:2-114, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) An adopted individual is the child of the child's adopting parent or parents and not of the child's natural parents, except that:

- (1) Adoption of a child by the spouse [ø], reciprocal beneficiary, or civil union partner of either natural parent has no effect on:
 - (A) The relationship between the child and that natural parent; or
 - (B) The right of the child or a descendant of the child to inherit from or through the other natural parent; and
- (2) Adoption of a child during such child's minority by the spouse [ø], reciprocal beneficiary, or civil union partner of a natural parent of the child, by a natural grandparent, aunt, uncle, or sibling of the child or the spouse [ø], reciprocal beneficiary, or civil union partner of a natural grandparent, aunt, uncle, or sibling of the child has no effect on the relationship between the child and either natural parent, for the limited purpose of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for the purposes of determining the heirs at law of a natural family member of the child."

SECTION 148. Section 560:2-201, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Civil union" is the registered status of two adults in a valid civil union established pursuant to chapter A.

"Civil union partner" means an adult who is a party to a civil union filed in accordance with chapter A, and has a valid civil union certificate that has not been terminated."

SECTION 149. Section 560:2-202, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-202 Elective share. (a) Elective-share amount. The surviving spouse [ø], reciprocal beneficiary, or civil union partner of a decedent who dies domiciled in this State has a right of election, under the limitations and conditions stated in this part, to take an elective-share amount equal to the value of the elective-share percentage of the augmented estate, determined by the length of time the spouse and the decedent were married to each other, or the reciprocal beneficiary and the decedent were in a reciprocal beneficiary relationship, or the civil union partner and the decedent were in a civil union, in accordance with the following schedule:

If the decedent and the spouse were married to each other, or the decedent and the reciprocal beneficiary were in a relationship[-], or the civil union partner and decedent were in a civil union:

Less than 1 year
1 year but less than 2 years
2 years but less than 3 years
3 years but less than 4 years
4 years but less than 5 years
5 years but less than 6 years
6 years but less than 7 years
7 years but less than 8 years

The elective-share percentage is:
Supplemental amount only.
3% of the augmented estate.
6% of the augmented estate.
9% of the augmented estate.
12% of the augmented estate.
15% of the augmented estate.
18% of the augmented estate.
21% of the augmented estate.

8 years but less than 9 years	24% of the augmented estate.
9 years but less than 10 years	27% of the augmented estate.
10 years but less than 11 years	30% of the augmented estate.
11 years but less than 12 years	34% of the augmented estate.
12 years but less than 13 years	38% of the augmented estate.
13 years but less than 14 years	42% of the augmented estate.
14 years but less than 15 years	46% of the augmented estate.
15 years or more	50% of the augmented estate;

provided, however, the surviving spouse [ø], reciprocal beneficiary, or civil union partner may elect to take a share smaller than that to which the surviving spouse [ø], reciprocal beneficiary, or civil union partner is entitled hereunder.

(b) Supplemental elective-share amount. If the sum of the amounts described in sections 560:2-207, 560:2-209(a)(1), and that part of the elective-share amount payable from the decedent's probate estate and nonprobate transfers to others under section 560:2-209(b) and (c) is less than \$50,000, the surviving spouse [ø], reciprocal beneficiary, or civil union partner is entitled to a supplemental elective-share amount equal to \$50,000 minus the sum of the amounts described in those sections. The supplemental elective-share amount is payable from the decedent's probate estate and from recipients of the decedent's nonprobate transfers to others in the order of priority set forth in section 560:2-209(b) and (c).

(c) Effect of election on statutory benefits. If the right of election is exercised by or on behalf of the surviving spouse [ø], reciprocal beneficiary, or civil union partner, the surviving spouse's [ø], reciprocal beneficiary's, or civil union partner's homestead allowance, exempt property, and family allowance, if any, are not charged against but are in addition to the elective-share and supplemental elective-share amounts.

(d) Non-domiciliary. The right, if any, of the surviving spouse [ø], reciprocal beneficiary, or civil union partner of a decedent who dies domiciled outside this State to take an elective share in property in this State is governed by the law of the decedent's domicile at death."

SECTION 150. Section 560:2-203, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-203 Composition of the augmented estate. Subject to section 560:2-208, the value of the augmented estate, to the extent provided in sections 560:2-204, 560:2-205, 560:2-206, and 560:2-207, consists of the sum of the values of all property, whether real or personal; movable or immovable, tangible or intangible, wherever situated, that constitute the decedent's net probate estate, the decedent's nonprobate transfers to others, the decedent's nonprobate transfers to the surviving spouse [ø], reciprocal beneficiary, or civil union partner, and the surviving spouse's [ø], reciprocal beneficiary's, or civil union partner's property and nonprobate transfers to others."

SECTION 151. Section 560:2-205, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-205 Decedent's nonprobate transfers to others. The value of the augmented estate includes the value of the decedent's nonprobate transfers to others, not included under section 560:2-204, of any of the following types, in the amount provided respectively for each type of transfer:

- (1) Property owned or owned in substance by the decedent immediately before death that passed outside probate at the decedent's death. Probate included under this category consists of:
 - (A) Property over which the decedent alone, immediately before death, held a presently exercisable general power of appointment. The amount included is the value of the property subject to the power, to the extent the property passed at the decedent's death, by exercise, release, lapse, in default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse [ø], reciprocal beneficiary[;], or civil union partner;
 - (B) The decedent's fractional interest in property held by the decedent in joint tenancy with the right of survivorship. The amount included is the value of the decedent's fractional

interest, to the extent the fractional interest passed by right of survivorship at the decedent's death to a surviving joint tenant other than the decedent's surviving spouse [ø], reciprocal beneficiary[;], or civil union partner;

- (C) The decedent's ownership interest in property or accounts held in POD, TOD, or co-ownership registration with the right of survivorship. The amount included is the value of the decedent's ownership interest, to the extent the decedent's ownership interest passed at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse [ø], reciprocal beneficiary[;], or civil union partner. As used herein, "ownership interest" is determined by dividing (i) the sum of all the decedent's deposits to the account, including deposit life insurance proceeds added to the account on account of the decedent's death, less all withdrawals made by or for the benefit of the decedent, by (ii) the sum of all deposits to the account;
- (D) Proceeds of insurance, including accidental death benefits, on the life of the decedent, if the decedent owned the insurance policy immediately before death or if and to the extent the decedent alone and immediately before death held a presently exercisable general power of appointment over the policy or its proceeds. The amount included is the value of the proceeds, to the extent they were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse [ø], reciprocal beneficiary[;], or civil union partner;
- (2) Property transferred in any of the following forms by the decedent during marriage[;], a reciprocal beneficiary relationship, or civil union:
 - (A) Any irrevocable transfer in which the decedent retained the right to the possession or enjoyment of, or to the income from, the property if and to the extent the decedent's right terminated at or continued beyond the decedent's death. The amount included is the value of the fraction of the property to which the decedent's right related, to the extent the fraction of the property passed outside probate to or for the benefit of any person other than the decedent's estate or surviving spouse [ø], reciprocal beneficiary[;], or civil union partner;
 - (B) Any transfer in which the decedent created a power over income or property, exercisable by the decedent alone or in conjunction with any other person, or exercisable by a nonadverse party, to or for the benefit of the decedent, creditors of the decedent, the decedent's estate, or creditors of the decedent's estate. The amount included with respect to a power over property is the value of the property subject to the power, and the amount included with respect to a power over income is the value of the property that produces or produced the income, to the extent the power in either case was exercisable at the decedent's death to or for the benefit of any person other than the decedent's surviving spouse [ø], reciprocal beneficiary, or civil union partner, or to the extent the property passed at the decedent's death, by exercise, release, lapse, in default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse [ø], reciprocal beneficiary[;], or civil union partner. If the power is a power over both income and property and the preceding sentence produces different amounts, the amount included is the greater amount;
 - (3) Property that passed during marriage, reciprocal beneficiary relationship, or civil union and during the two-year period next preceding the decedent's death as a result of a transfer by the decedent if the transfer was of any of the following types:
 - (A) Any property that passed as a result of the termination of a right or interest in, or power over, property that would have been included in the augmented estate under paragraph (1)(A), (B), or (C), or under paragraph (2), if the right, interest, or power had not terminated until the decedent's death. The amount included is the value of the property that would have been included under those paragraphs if the property were valued at

the time the right, interest, or power terminated, and is included only to the extent the property passed upon termination to or for the benefit of any person other than the decedent or the decedent's estate, spouse [ØF], reciprocal beneficiary, or civil union partner, or surviving spouse [ØF], reciprocal beneficiary[;], or civil union partner. As used in this subparagraph, "termination", with respect to a right or interest in property, occurs when the right or interest terminated by the terms of the governing instrument or the decedent transferred or relinquished the right or interest, and, with respect to a power over property, occurs when the power terminated by exercise, release, lapse, default, or otherwise, but, with respect to a power described in paragraph (1)(A), "termination" occurs when the power terminated by exercise or release, but not otherwise;

- (B) Any transfer of or relating to an insurance policy on the life of the decedent if the proceeds would have been included in the augmented estate under paragraph (1)(D) had the transfer not occurred. The amount included is the value of the insurance proceeds to the extent the proceeds were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse [ØF], reciprocal beneficiary[;], or civil union partner;
- (C) Any transfer of property, to the extent not otherwise included in the augmented estate, made to or for the benefit of a person other than the decedent's surviving spouse [ØF], reciprocal beneficiary[;], or civil union partner. The amount included is the value of the transferred property to the extent the aggregate transfers to any one donee in either of the two years exceeded \$20,000."

SECTION 152. Section 560:2-206, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-206 Decedent's nonprobate transfers to the surviving spouse [ØF], reciprocal beneficiary[;], or civil union partner. Excluding property passing to the surviving spouse [ØF], reciprocal beneficiary, or civil union partner, under the federal social security system, the value of the augmented estate includes the value of the decedent's nonprobate transfers to the decedent's surviving spouse [ØF], reciprocal beneficiary, [which], or civil union partner, that consist of all property that passed outside probate at the decedent's death from the decedent to the surviving spouse [ØF], reciprocal beneficiary, or civil union partner by reason of the decedent's death, including:

- (1) The decedent's fractional interest in property held as a joint tenant with the right of survivorship, to the extent that the decedent's fractional interest passed to the surviving spouse [ØF], reciprocal beneficiary, or civil union partner as surviving joint tenant;
- (2) The decedent's ownership interest in property or accounts held in co-ownership registration with the right of survivorship, to the extent the decedent's ownership interest passed to the surviving spouse [ØF], reciprocal beneficiary, or civil union partner as surviving co-owner; and
- (3) All other property that would have been included in the augmented estate under section 560:2-205(1) or (2) had it passed to or for the benefit of a person other than the decedent's spouse [ØF], reciprocal beneficiary, or civil union partner, surviving spouse [ØF], reciprocal beneficiary, or civil union partner, the decedent, or the decedent's creditors, estate or estate creditors."

SECTION 153. Section 560:2-207, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-207 Surviving spouse's [ØF], reciprocal beneficiary's, or civil union partner's property and nonprobate transfers to others. (a) Included property. Except to the extent included in the augmented estate under section 560:2-204 or 560:2-206, the value of the augmented estate includes the value of:

- (1) Property that was owned by the decedent's surviving spouse [ØF], reciprocal beneficiary, or civil union partner at the decedent's death, including:

- (A) The surviving spouse's [ØF], reciprocal beneficiary's, or civil union partner's fractional interest in property held in joint tenancy with the right of survivorship;
- (B) The surviving spouse's [ØF], reciprocal beneficiary's, or civil union partner's ownership interest in property or accounts held in co-ownership registration with the right of survivorship; and
- (C) Property that passed to the surviving spouse [ØF], reciprocal beneficiary, or civil union partner by reason of the decedent's death, but not including the spouse's [ØF], reciprocal beneficiary's, or civil union partner's right to homestead allowance, family allowance, exempt property, or payments under the federal social security system; and

- (2) Property that would have been included in the surviving spouse's [ØF], reciprocal beneficiary's, or civil union partner's nonprobate transfers to others, other than the spouse's [ØF], reciprocal beneficiary's, or civil union partner's fractional and ownership interest included under subsection (a)(1)(A) or (B), had the spouse [ØF], reciprocal beneficiary, or civil union partner been the decedent.

(b) Time of valuation. Property included under this section is valued at the decedent's death, taking the fact that the decedent predeceased the spouse [ØF], reciprocal beneficiary, or civil union partner, into account, but, for purposes of subsection (a)(1)(A) and (B), the values of the spouse's [ØF], reciprocal beneficiary's, or civil union partner's fractional and ownership interests are determined immediately before the decedent's death if the decedent was then a joint tenant or a co-owner of the property or accounts. For purposes of subsection (a)(2), proceeds of insurance that would have been included in the spouse's [ØF], reciprocal beneficiary's, or civil union partner's nonprobate transfers to others under section 560:2-205(1)(D) are not valued as if the spouse [ØF], reciprocal beneficiary, or civil union partner were deceased.

(c) Reduction for enforceable claims. The value of property included under this section is reduced by enforceable claims against the surviving spouse [ØF], reciprocal beneficiary[;], or civil union partner."

SECTION 154. Section 560:2-208, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Exclusions:

- (1) The value of any property is excluded from the decedent's nonprobate transfers to others:
 - (A) To the extent the decedent received adequate and full consideration in money or money's worth for a transfer of the property; or
 - (B) If the property was transferred with the written joinder of, or if the transfer was consented to in writing by, the surviving spouse [ØF], reciprocal beneficiary[;], or civil union partner.
- (2) The augmented estate shall not include the value of any property that either:
 - (A) Is held in a trust created and funded by any party other than the decedent, the surviving spouse, ~~[ØF—the]~~ reciprocal beneficiary[;], or civil union partner; or
 - (B) Was received by either spouse during marriage [ØF], either reciprocal beneficiary during a reciprocal beneficiary relationship, or either civil union partner during a civil union, by gift, devise, inheritance or distribution from a trust created and funded by any party other than the decedent, the surviving spouse, ~~[ØF—the]~~ reciprocal beneficiary[;], or civil union partner; provided that such property was kept segregated from property includible in the augmented estate."

SECTION 155. Section 560:2-209, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) In a proceeding for an elective share, the following are applied first to satisfy the elective-share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's nonprobate transfers to others:

- (1) Amounts included in the augmented estate under section 560:2-204 which pass or have passed to the surviving spouse [ØF], reciprocal beneficiary, or civil union partner by testate or intestate succession

and amounts included in the augmented estate under section 560:2-206; and

- (2) Amounts included in the augmented estate under section 560:2-207 up to the applicable percentage thereof. For the purposes of this subsection, the "applicable percentage" is twice the elective-share percentage set forth in the schedule in section 560:2-202(a) appropriate to the length of time:

- (A) The spouse and the decedent were married to each other; [øf]
 (B) The reciprocal beneficiary and the decedent were in a reciprocal beneficiary relationship[-]; or
 (C) The civil union partner and the decedent were in a civil union.

(b) If, after the application of subsection (a), the elective-share amount is not fully satisfied or the surviving spouse [øf], reciprocal beneficiary, or civil union partner is entitled to a supplemental elective-share amount, amounts included in the decedent's probate estate and in the decedent's nonprobate transfers to others, other than amounts included under section 560:2-205(3)(A) or (C), are applied first to satisfy the unsatisfied balance of the elective-share amount or the supplemental elective-share amount. The decedent's probate estate and that portion of the decedent's nonprobate transfers to others are so applied that liability for the unsatisfied balance of the elective-share amount or for the supplemental elective-share amount is equitably apportioned among the recipients of the decedent's probate estate and of that portion of the decedent's nonprobate transfers to others in proportion to the value of their interests therein."

SECTION 156. Section 560:2-210, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Only original recipients of the decedent's nonprobate transfers to others, and the donees of the recipients of the decedent's nonprobate transfers to others, to the extent the donees have the property or its proceeds, are liable to make a proportional contribution toward satisfaction of the surviving spouse's [øf], reciprocal beneficiary's, or civil union partner's elective-share or supplemental elective-share amount. A person liable to make contribution may choose to give up the proportional part of the decedent's nonprobate transfers to the person or to pay the value of the amount for which he or she is liable."

SECTION 157. Section 560:2-211, Hawaii Revised Statutes, is amended by amending subsections (b), (c), and (d) to read as follows:

"(b) Within nine months after the decedent's death, the surviving spouse [øf], reciprocal beneficiary, or civil union partner may petition the court for an extension of time for making an election. If, within nine months after the decedent's death, the spouse [øf], reciprocal beneficiary, or civil union partner gives notice of the petition to all persons interested in the decedent's nonprobate transfers to others, the court for cause shown by the surviving spouse [øf], reciprocal beneficiary, or civil union partner may extend the time for election. If the court grants the spouse's [øf], reciprocal beneficiary's, or civil union partner's petition for an extension, the decedent's nonprobate transfers to others are not excluded from the augmented estate for the purpose of computing the elective-share and supplemental elective-share amounts, if the spouse [øf], reciprocal beneficiary, or civil union partner makes an election by filing in the court and mailing or delivering to the personal representative, if any, a petition for the elective share within the time allowed by the extension.

(c) The surviving spouse [øf], reciprocal beneficiary, or civil union partner must give notice of the time and place set for hearing to persons interested in the estate and to the distributees and recipients of portions of the augmented estate whose interests will be adversely affected by the taking of the elective share.

(d) The surviving spouse [øf], reciprocal beneficiary, or civil union partner may withdraw the spouse's [øf], reciprocal beneficiary's, or civil union partner's demand for an elective share at any time before entry of a final determination by the court."

SECTION 158. Section 560:2-212, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-212 Right of election personal to surviving spouse [øf], reciprocal beneficiary[;], or civil union partner; incapacitated surviving spouse [øf], reciprocal beneficiary[-], or civil union partner.
 (a) Surviving spouse [øf], reciprocal beneficiary, or civil union partner

must be living at time of election. The right of election may be exercised only by a surviving spouse [øf], reciprocal beneficiary, or civil union partner who is living when the petition for the elective share is filed in the court under section 560:2-211(a). If the election is not exercised by the surviving spouse [øf], reciprocal beneficiary, or civil union partner personally, it may be exercised on the surviving spouse's [øf], reciprocal beneficiary's, or civil union partner's behalf by the spouse's [øf], reciprocal beneficiary's, or civil union partner's conservator, guardian, or agent under the authority of a power of attorney.

(b) Incapacitated surviving spouse [øf], reciprocal beneficiary[-], or civil union partner. If the election is exercised on behalf of a surviving spouse [øf], reciprocal beneficiary, or civil union partner who is an incapacitated person, that portion of the elective-share and supplemental elective-share amounts due from the decedent's probate estate and recipients of the decedent's nonprobate transfers to others under section 560:2-209(b) and (c) must be placed in a custodial trust for the benefit of the surviving spouse [øf], reciprocal beneficiary, or civil union partner under chapter 554B, except as modified below. For the purposes of this subsection, an election on behalf of a surviving spouse [øf], reciprocal beneficiary, or civil union partner by an agent under a durable power of attorney is presumed to be on behalf of a surviving spouse [øf], reciprocal beneficiary, or civil union partner who is an incapacitated person. For purposes of the custodial trust established by this subsection:

- (1) The electing guardian, conservator, or agent is the custodial trustee;
- (2) The surviving spouse [øf], reciprocal beneficiary, or civil union partner is the beneficiary; and
- (3) The custodial trust is deemed to have been created by the decedent spouse [øf], reciprocal beneficiary, or civil union partner by written transfer that takes effect at the decedent spouse's [øf], reciprocal beneficiary's, or civil union partner's death and that directs the custodial trustee to administer the custodial trust as one created for the benefit of an incapacitated beneficiary.

(c) Custodial trust. For purposes of subsection (b), chapter 554B must be applied as if section 554B-6(b) thereof were repealed and sections 554B-2(e), 554B-9(b), and 554B-17(a) were amended to read as follows:

- (1) Neither an incapacitated beneficiary nor anyone acting on behalf of an incapacitated beneficiary has a power to terminate the custodial trust; but if the beneficiary regains capacity, the beneficiary then acquires the power to terminate the custodial trust by delivering to the custodial trustee a writing signed by the beneficiary declaring the termination. If not previously terminated, the custodial trust terminates on the death of the beneficiary;
- (2) If the beneficiary is incapacitated, the custodial trustee shall expend so much or all of the custodial trust property as the custodial trustee considers advisable for the health, education, maintenance and support of the beneficiary and individuals who are legally entitled to support by the beneficiary. Expenditures may be made in the manner, when, and to the extent that the custodial trustee determines suitable and proper, without court order but with regard to other support, income, and property of the beneficiary and benefits of medical or other forms of assistance from any state or federal government or governmental agency for which the beneficiary must qualify on the basis of need; provided that the custodial trustee shall not make any distributions of the principal of the custodial trust unless the custodial trustee determines, in the trustee's discretion, that the remaining assets of the surviving spouse [øf], reciprocal beneficiary, or civil union partner cannot or should not be first used instead for the spouse's [øf], reciprocal beneficiary's, or civil union partner's benefit. The custodial trustee may make such a determination when, for example, the sole remaining asset of the surviving spouse [øf], reciprocal beneficiary, or civil union partner is the spouse's [øf], reciprocal beneficiary's, or civil union partner's residence, or similar factors would exist that would make use or liquidation of the surviving spouse's [øf], reciprocal beneficiary's, or civil union partner's own assets inappropriate;
- (3) Upon the beneficiary's death, the custodial trustee shall transfer the unexpended custodial trust property in the following order:
 - (A) Under the residuary clause, if any, of the will of the beneficiary's predeceased spouse [øf], reciprocal beneficiary, or

civil union partner against whom the elective share was taken, as if that predeceased spouse [ø], reciprocal beneficiary, or civil union partner died immediately after the beneficiary; or

- (B) To that predeceased spouse's [ø], reciprocal beneficiary's, or civil union partner's heirs under section 560:2-711."

SECTION 159. Section 560:2-213, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) The right of election of a surviving spouse [ø], reciprocal beneficiary, or civil union partner and the rights of the surviving spouse [ø], reciprocal beneficiary, or civil union partner to homestead allowance, exempt property, and family allowance, or any of them, may be waived, wholly or partially, before or after marriage, by a written contract, agreement, or waiver signed by the surviving spouse [ø], reciprocal beneficiary[,], or civil union partner.

(b) A surviving spouse's [ø], reciprocal beneficiary's, or civil union partner's waiver is not enforceable if the surviving spouse [ø], reciprocal beneficiary, or civil union partner proves that:

- (1) The surviving spouse [ø], reciprocal beneficiary, or civil union partner did not execute the waiver voluntarily; or
- (2) The waiver was unconscionable when it was executed and, before execution of the waiver, the surviving spouse [ø], reciprocal beneficiary[,], or civil union partner:
 - (A) Was not provided a fair and reasonable disclosure of the property or financial obligations of the decedent;
 - (B) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the decedent beyond the disclosure provided; and
 - (C) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the decedent."

2. By amending subsection (d) to read:

"(d) Unless it provides to the contrary, a waiver of "all rights", or equivalent language, in the property or estate of a present or prospective spouse [ø], reciprocal beneficiary, or civil union partner or a complete property settlement entered into after or in anticipation of separation or divorce or termination of a civil union is a waiver of all rights of elective share, homestead allowance, exempt property, and family allowance by each spouse [ø], reciprocal beneficiary, or civil union partner in the property of the other and a renunciation by each of all benefits that would otherwise pass to the spouse [ø], reciprocal beneficiary, or civil union partner from the other by intestate succession or by virtue of any will executed before the waiver or property settlement."

SECTION 160. Section 560:2-214, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Although under section 560:2-205 a payment, item of property, or other benefit is included in the decedent's nonprobate transfers to others, a payor or other third party is not liable for having made a payment or transferred an item of property or other benefit to a beneficiary designated in a governing instrument, or for having taken any other action in good faith reliance on the validity of a governing instrument, upon request and satisfactory proof of the decedent's death, before the payor or other third party received written notice from the surviving spouse [ø], reciprocal beneficiary, or civil union partner or spouse's [ø], reciprocal beneficiary's, or civil union partner's representative of an intention to file a petition for the elective share or that a petition for the elective share has been filed. A payor or other third party is liable for payments made or other actions taken after the payor or other third party received written notice of an intention to file a petition for the elective share or that a petition for the elective share has been filed."

SECTION 161. Section 560:2-301, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-301 Entitlement of spouse [ø], reciprocal beneficiary[,], or civil union partner; premarital will. (a) If a testator's surviving spouse married the testator, or the testator's reciprocal beneficiary entered into a reciprocal beneficiary relationship with the testator, or if a testator's civil

union partner entered into a civil union with the testator, after the testator executed the testator's will, the surviving spouse [ø], reciprocal beneficiary, or civil union partner is entitled to receive, as an intestate share, no less than the value of the share of the estate the spouse [ø], reciprocal beneficiary, or civil union partner would have received if the testator had died intestate as to that portion of the testator's estate, if any, that neither is devised to a child of the testator who was born before the testator married the surviving spouse [ø], entered into a reciprocal beneficiary relationship with the surviving reciprocal beneficiary, or entered into a civil union with the surviving civil union partner and who is not a child of the surviving spouse [ø], reciprocal beneficiary, or civil union partner, nor is devised to a descendant of such a child or passes under section 560:2-603 or 560:2-604 to such a child or to a descendant of such a child, unless:

- (1) It appears from the will or other evidence that the will was made in contemplation of [:] the testator's:

(A) [~~The testator's marriage~~] Marriage to the surviving spouse; [ø]

(B) [~~The testator's entering~~] Entering into a reciprocal beneficiary relationship with the reciprocal beneficiary; or

(C) Entering into a civil union with the civil union partner;

- (2) The will expresses the intention that it is to be effective notwithstanding any subsequent marriage, [ø] reciprocal beneficiary relationship[:], or civil union partner;
- (3) The testator provided for the spouse [ø], reciprocal beneficiary, or civil union partner by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence.

(b) In satisfying the share provided by this section, devises made by the will to the testator's surviving spouse, [ø] reciprocal beneficiary, or civil union partner, if any, are applied first, and other devises, other than a devise to a child of the testator who was born before the testator married the surviving spouse, or entered a reciprocal beneficiary relationship with the reciprocal beneficiary, or entered into a civil union with the civil union partner, and who is not a child of the surviving spouse [ø], reciprocal beneficiary, or civil union partner, or a devise or substitute gift under section 560:2-603 or 560:2-604 to a descendant of such a child, abate as provided in section 560:3-902."

SECTION 162. Section 560:2-402, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-402 Homestead allowance. A decedent's surviving spouse [ø], reciprocal beneficiary, or civil union partner is entitled to a homestead allowance of \$15,000. If there is no surviving spouse [ø], reciprocal beneficiary, or civil union partner, each minor child and each dependent child of the decedent is entitled to a homestead allowance amounting to \$15,000 divided by the number of minor and dependent children of the decedent. The homestead allowance is exempt from and has priority over all claims against the estate. Homestead allowance is in addition to any share passing to the surviving spouse [ø], reciprocal beneficiary, or civil union partner or minor or dependent child by the will of the decedent, unless otherwise provided, by intestate succession, or by way of elective share."

SECTION 163. Section 560:2-403, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-403 Exempt property. In addition to the homestead allowance, the decedent's surviving spouse [ø], reciprocal beneficiary, or civil union partner is entitled from the estate to a value, not exceeding \$10,000 in excess of any security interests therein, in household furniture, automobiles, furnishings, appliances, and personal effects. If there is no surviving spouse or reciprocal beneficiary, the decedent's children are entitled jointly to the same value. If encumbered chattels are selected and the value in excess of security interests, plus that of other exempt property, is less than \$10,000 or if there is not \$10,000 worth of exempt property in the estate, the spouse, reciprocal beneficiary, or civil union partner, or children are entitled to other assets of the estate, if any, to the extent necessary to make up the \$10,000 value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate, but the right to any assets to make up a

deficiency of exempt property abates as necessary to permit earlier payment of homestead allowance and family allowance. These rights are in addition to any benefit or share passing to the surviving spouse, reciprocal beneficiary, or civil union partner, or children by the decedent's will, unless otherwise provided, by intestate succession, or by way of elective share."

SECTION 164. Section 560:2-404, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-404 Family allowance. (a) In addition to the right to homestead allowance and exempt property, the decedent's surviving spouse [ø], reciprocal beneficiary, or civil union partner, and minor children whom the decedent was obligated to support and children who were in fact being supported by the decedent are entitled to a reasonable allowance in money out of the estate for their maintenance during the period of administration, which allowance may not continue for longer than one year if the estate is inadequate to discharge allowed claims. The allowance may be paid as a lump sum or in periodic installments. It is payable to the surviving spouse [ø], reciprocal beneficiary, or civil union partner, if living, for the use of the surviving spouse [ø], reciprocal beneficiary, or civil union partner and minor and dependent children; otherwise to the children, or persons having their care and custody. If a minor child or dependent child is not living with the surviving spouse [ø], reciprocal beneficiary, or civil union partner, the allowance may be made partially to the child or the child's guardian or other person having the child's care and custody, and partially to the spouse [ø], reciprocal beneficiary, or civil union partner, as their needs may appear. The family allowance is exempt from and has priority over all claims except the homestead allowance.

(b) The family allowance is not chargeable against any benefit or share passing to the surviving spouse, reciprocal beneficiary, civil union partner, or children by the will of the decedent, unless otherwise provided, by intestate succession, or by way of elective share. The death of any person entitled to family allowance terminates the right to allowances not yet paid."

SECTION 165. Section 560:2-405, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-405 Source, determination, and documentation. (a) If the estate is otherwise sufficient, property specifically devised may not be used to satisfy rights to homestead allowance or exempt property. Subject to this restriction, the surviving spouse [ø], reciprocal beneficiary, or civil union partner, guardians of minor children, or children who are adults may select property of the estate as homestead allowance and exempt property. The personal representative may make those selections if the surviving spouse [ø], reciprocal beneficiary, or civil union partner, the children, or the guardians of the minor children are unable or fail to do so within a reasonable time or there is no guardian of a minor child. The personal representative may execute an instrument or deed of distribution to establish the ownership of property taken as homestead allowance or exempt property. The personal representative may determine the family allowance in a lump sum not exceeding \$18,000 or periodic installments not exceeding \$1,500 per month for one year, and may disburse funds of the estate in payment of the family allowance and any part of the homestead allowance payable in cash. The personal representative or an interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief, which may include a family allowance other than that which the personal representative determined or could have determined.

(b) If the right to an elective share is exercised on behalf of a surviving spouse [ø], reciprocal beneficiary, or civil union partner who is an incapacitated person, the personal representative may add any unexpended portions payable under the homestead allowance, exempt property, and family allowance to the trust established under section 560:2-212(b)."

SECTION 166. Section 560:2-603, Hawaii Revised Statutes, is amended by amending the definition of "stepchild" to read as follows:

""Stepchild" means a child of the surviving, deceased, or former spouse or former civil union partner of the testator or of the donor of a power of appointment, and not of the testator or donor."

SECTION 167. Section 560:2-705, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In addition to the requirements of subsection (a), in construing a dispositive provision of a transferor who is not the natural parent, an individual born to the natural parent is not considered the child of that parent unless the individual lived while a minor as a regular member of the household of that natural parent or of that parent's parent, brother, sister, spouse [ø], reciprocal beneficiary, or civil union partner, or surviving spouse [ø], reciprocal beneficiary[-], or civil union partner."

SECTION 168. Section 560:2-706, Hawaii Revised Statutes, is amended by amending the definition of "stepchild" to read as follows:

""Stepchild" means a child of the decedent's surviving, deceased, or former spouse[-] or former civil union partner, and not of the decedent."

SECTION 169. Section 560:2-711, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-711 Interest in "heirs" and like. If an applicable statute or a governing instrument calls for a present or future distribution to or creates a present or future interest in a designated individual's "heirs", "heirs at law", "next of kin", "relatives", or "family", or language of similar import, the property passes to those persons, including the State, and in such shares as would succeed to the designated individual's intestate estate under the intestate succession law of the designated individual's domicile if the designated individual died when the disposition is to take effect in possession or enjoyment. If the designated individual's surviving spouse [ø], reciprocal beneficiary, or civil union partner is living but is remarried or has terminated the reciprocal beneficiary relationship or civil union at the time the disposition is to take effect in possession or enjoyment, the surviving spouse [ø], reciprocal beneficiary, or civil union partner, is not an heir of the designated individual."

SECTION 170. Section 560:2-802, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-802 Effect of divorce, annulment, decree of separation, and termination of reciprocal beneficiary relationship[-] or civil union. (a) An individual who is divorced from the decedent or whose marriage to the decedent has been annulled is not a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death. A decree of separation that does not terminate the status of husband and wife is not a divorce for purposes of this section. An individual who has terminated a reciprocal beneficiary relationship with the decedent is not deemed a surviving reciprocal beneficiary unless, by virtue of a subsequent registration as a reciprocal beneficiary, the individual is the reciprocal beneficiary of the decedent at the time of death. An individual who has terminated a civil union with the decedent is not deemed a surviving civil union partner unless, by virtue of a subsequent filing of a declaration of civil union pursuant to section A-4, the individual is the civil union partner of the decedent at the time of death.

(b) For purposes of parts 1, 2, 3, and 4 of this article, and of section 560:3-203, a surviving spouse [ø], reciprocal beneficiary, or civil union partner does not include:

- (1) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, which decree or judgment is not recognized as valid in this State, unless subsequently they participate in a marriage ceremony purporting to marry each to the other or live together as husband and wife;
- (2) An individual who, following an invalid decree or judgment of divorce or annulment obtained by the decedent, participates in a marriage ceremony with a third individual;
- (3) An individual who was a party to a valid proceeding concluded by an order purporting to terminate all marital property rights; [ø]
- (4) An individual who does not have a certificate of reciprocal beneficiary relationship declaring the decedent as their reciprocal beneficiary or the relationship has been terminated under chapter 572C or otherwise[-]; or
- (5) An individual who does not have a valid certificate of civil union issued pursuant to section A-4, that declares the decedent as the

individual's civil union partner or the civil union has been terminated under chapter B or otherwise."

SECTION 171. Section 560:2-803, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Forfeiture of statutory benefits. An individual who feloniously and intentionally kills the decedent forfeits all benefits under this article with respect to the decedent's estate, including an intestate share, an elective share, an omitted spouse's, reciprocal beneficiary's, civil union partner's or child's share, a homestead allowance, exempt property, and a family allowance. If the decedent died intestate, the decedent's intestate estate passes as if the killer disclaimed the killer's intestate share."

SECTION 172. Section 560:2-804, Hawaii Revised Statutes, is amended to read as follows:

"§560:2-804 Revocation of probate and nonprobate transfers by divorce [ø], termination of reciprocal beneficiary relationship[;], or termination of civil union; no revocation by other changes of circumstances. (a) Definitions. In this section:

"Disposition or appointment of property" includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

"Divorce or annulment" means any divorce or annulment, or any dissolution or declaration of invalidity of a marriage, that would exclude the spouse as a surviving spouse within the meaning of section 560:2-802. A decree of separation that does not terminate the status of husband and wife is not a divorce for purposes of this section.

"Divorced individual" includes an individual whose marriage has been annulled.

"Governing instrument" means a governing instrument executed by:

- (1) A divorced individual before the divorce or annulment of the individual's marriage to the individual's former spouse; [ø]
- (2) An individual who is a former reciprocal beneficiary before the termination of the reciprocal beneficiary relationship with the individual's former reciprocal beneficiary[.]; or
- (3) An individual who is a former civil union partner before the termination of the civil union with the individual's former civil union partner.

"Relative of the divorced individual's former spouse" means an individual who is related to the divorced individual's former spouse by blood, or affinity and who, after the divorce or annulment, is not related to the divorced individual by blood, adoption, or affinity.

"Revocable", with respect to a disposition, appointment, provision, or nomination, means one under which:

- (1) The divorced individual, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the individual's former spouse or former spouse's relative, whether or not the divorced individual was then empowered to designate the individual's self in place of the individual's former spouse or in place of the individual's former spouse's relative and whether or not the divorced individual then had the capacity to exercise the power; [ø]
- (2) An individual who is a former reciprocal beneficiary, at the time of the termination, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the individual's former partner or former partner's relative, whether or not the individual was then empowered to designate the individual's self in place of the individual's former partner or in place of the individual's former partner's relative and whether or not the individual who is the former reciprocal beneficiary then had the capacity to exercise the power[.]; or
- (3) An individual who is a former civil union partner, at the time of the termination, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the individual's former partner or former partner's relative, whether or not the individual was then empowered to designate the individual's self in place of the individual's former partner or in place of the individual's former partner's relative and whether or not the

individual who is the former civil union partner then had the capacity to exercise the power.

"Termination" means the dissolution of a reciprocal beneficiary relationship under chapter 572C ~~[between two adults.]~~ or a civil union under chapter B.

(b) Revocation upon divorce or termination. Except as provided by the express terms of a governing instrument, a court order, or a contract relating to the division of the estate made between the divorced individuals before or after the marriage, divorce, annulment, between two former reciprocal beneficiaries before the termination of a reciprocal beneficiary relationship, between two former civil union partners before the termination of a civil union, the divorce or annulment of a marriage or the termination of a reciprocal beneficiary relationship[.]; or civil union:

(1) Revokes any revocable:

- (A) Disposition or appointment of property made by a divorced individual [ø], a former reciprocal beneficiary, or a former civil union partner to the individual's former spouse [ø], reciprocal beneficiary, or civil union partner, in a governing instrument and any disposition or appointment created by law or in a governing instrument to a relative of the divorced individual's former spouse [ø], reciprocal beneficiary[.]; or civil union partner;
- (B) Provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced individual's former spouse or an individual's former reciprocal beneficiary or civil union partner or on a relative of the divorced individual's former spouse or an individual's former reciprocal beneficiary[.]; or civil union partner; and
- (C) Nomination in a governing instrument, nominating a divorced individual's former spouse or a relative of the divorced individual's former spouse or an individual's former reciprocal beneficiary or a relative of the former reciprocal beneficiary or an individual's former civil union partner or a relative of the former civil union partner to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee, conservator, agent, or guardian; and

(2) Severs the interests of the former spouses [ø], reciprocal beneficiaries, or civil union partners in property held by them at the time of the divorce, annulment, or termination, as joint tenants with the right of survivorship or as community property with the right of survivorship, transforming the interests of the former spouses [ø], reciprocal beneficiaries, or civil union partners into tenancies in common.

(c) Effect of severance. A severance under subsection (b)(2) does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses [ø], reciprocal beneficiaries, or civil union partners unless a writing declaring the severance has been noted, registered, filed, or recorded in records appropriate to the kind and location of the property which are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership.

(d) Effect of revocation. Provisions of a governing instrument are given effect as if the former spouse [ø], reciprocal beneficiary, or civil union partner and relatives of the former spouse [ø], reciprocal beneficiary, or civil union partner disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse [ø], reciprocal beneficiary, or civil union partner and relatives of the former spouse [ø], reciprocal beneficiary, or civil union partner died immediately before the divorce, annulment, or termination.

(e) Revival if divorce nullified, reciprocal beneficiary relationship re-registered[.], or civil union refiled. Provisions revoked solely by this section are revived by the divorced individual's remarriage to the former spouse or by a nullification of the divorce or annulment.

Provisions revoked solely by this section are revived by an individual's re-registering a reciprocal beneficiary relationship to the former reciprocal beneficiary.

Provisions revoked solely by this section are revived by an individual's filing of a declaration of civil union with the individual's former civil union partner.

(f) No revocation for other change of circumstances. No change of circumstances other than as described in this section and in section 560:2-803 effects a revocation.

(g) Protection of payors and other third parties.

(1) A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by a divorce, annulment, remarriage, termination, or re-registration of a reciprocal beneficiary relationship[;] or civil union, or for having taken any other action in good faith reliance on the validity of the governing instrument, before the payor or other third party received written notice of the divorce, annulment, remarriage, termination, or re-registration of a reciprocal beneficiary relationship[;] or civil union. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written notice of a claimed forfeiture or revocation under this section;

(2) Written notice of the divorce, annulment, remarriage, termination, or re-registration of a reciprocal beneficiary relationship or civil union under this subsection must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the divorce, annulment, remarriage, termination, or re-registration of a reciprocal beneficiary relationship[;] or civil union, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the judicial circuit of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers, or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

(h) Protection of bona fide purchasers; personal liability of recipient.

(1) A person who purchases property from a former spouse, former reciprocal beneficiary, former civil union partner, relative of a former spouse [øf], reciprocal beneficiary, civil union partner, or any other person for value and without notice, or who receives from a former spouse, a former reciprocal beneficiary, a former civil union partner, relative of a former spouse [øf], reciprocal beneficiary, or civil union partner, or any other person a payment or other item of property in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, item of property, or benefit nor is liable under this section for the amount of the payment or the value of the item of property or benefit. But a former spouse, former reciprocal beneficiary, former civil union partner, relative of a former spouse [øf], reciprocal beneficiary, or civil union partner, or other person who, not for value, received a payment, item of property, or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property, or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who is entitled to it under this section;

(2) If this section or any part of this section is preempted by federal law with respect to a payment, an item of property, or any other benefit covered by this section, a former spouse, former reciprocal beneficiary, former civil union partner, relative of the former spouse [øf], reciprocal beneficiary, or civil union partner, or any other person who, not for value, received a payment, item of property, or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property, or

benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who would have been entitled to it were this section or part of this section not preempted."

SECTION 173. Section 560:3-203, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Whether the proceedings are formal or informal, persons who are not disqualified have priority for appointment in the following order:

- (1) The person with priority as determined by a probated will including a person nominated by a power conferred in a will;
- (2) The surviving spouse [øf], reciprocal beneficiary, or civil union partner of the decedent who is a devisee of the decedent;
- (3) Other devisees of the decedent;
- (4) The surviving spouse [øf], reciprocal beneficiary, or civil union partner of the decedent;
- (5) Other heirs of the decedent; and
- (6) Forty-five days after the death of the decedent, any creditor."

SECTION 174. Section 560:3-301, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Applications for informal probate or informal appointment shall be directed to the registrar, and verified by the applicant to be accurate and complete to the best of the applicant's knowledge and belief as to the following information:

- (1) Every application for informal probate of a will or for informal appointment of a personal representative, other than a special or successor representative, shall contain the following:
 - (A) A statement of the interest of the applicant, together with the name, address, and telephone number of the applicant;
 - (B) The name, and date of death of the decedent, the decedent's age, and the county and state of the decedent's domicile at the time of death, and the names and addresses of the spouse [øf], reciprocal beneficiary, or civil union partner, children, heirs, and devisees and the ages of any who are minors so far as known or ascertainable with reasonable diligence by the applicant;
 - (C) If the decedent was not domiciled in the State at the time of the decedent's death, a statement showing venue;
 - (D) A statement identifying and indicating the address of any personal representative of the decedent appointed in this State or elsewhere whose appointment has not been terminated;
 - (E) A statement indicating whether the applicant has received a demand for notice, or is aware of any demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this State or elsewhere; and
 - (F) That the time limit for informal probate or appointment as provided in this article has not expired either because five years or less have passed since the decedent's death, or, if more than five years from death have passed, circumstances as described by section 560:3-108 authorizing tardy probate or appointment have occurred;
- (2) An application for informal probate of a will shall state the following in addition to the statements required by paragraph (1):
 - (A) That the original of the decedent's last will is in the possession of the court, or accompanies the application, or that an authenticated copy of a will probated in another jurisdiction accompanies the application;
 - (B) That the applicant, to the best of applicant's knowledge, believes the will to have been validly executed; and
 - (C) That after the exercise of reasonable diligence, the applicant is unaware of any instrument revoking the will, and that the applicant believes that the instrument which is the subject of the application is the decedent's last will;
- (3) An application for informal appointment of a personal representative to administer an estate under a will shall describe the

will by date of execution and state the time and place of probate or the pending application or petition for probate. The application for appointment shall adopt the statements in the application or petition for probate and state the name, address, and priority for appointment of the person whose appointment is sought;

- (4) An application for informal appointment of an administrator in intestacy shall state in addition to the statements required by paragraph (1):
 - (A) That after the exercise of reasonable diligence, the applicant is unaware of any unrevoked testamentary instrument relating to property having a situs in this State under section 560:1-301, or, a statement why any such instrument of which the applicant may be aware is not being probated; and
 - (B) The priority of the person whose appointment is sought and the names of any other persons having a prior or equal right to the appointment under section 560:3-203;
- (5) An application for appointment of a personal representative to succeed a personal representative appointed under a different testacy status shall refer to the order in the most recent testacy proceeding, state the name and address of the person whose appointment is sought and of the person whose appointment will be terminated if the application is granted, and describe the priority of the applicant;
- (6) An application for appointment of a personal representative to succeed a personal representative who has tendered a resignation as provided in section 560:3-610(c), or whose appointment has been terminated by death or removal, shall adopt the statements in the application or petition which led to the appointment of the person being succeeded except as specifically changed or corrected, state the name and address of the person who seeks appointment as successor, and describe the priority of the applicant."

SECTION 175. Section 560:3-302, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Upon receipt of an application requesting informal probate of a will filed by a corporate fiduciary, by a parent, spouse, [or] reciprocal beneficiary, or civil union partner of the decedent, or by a descendant of a parent of the decedent, the registrar, upon making the findings required by section 560:3-303, shall issue a written statement of informal probate appointing a personal representative subject to qualification and acceptance, if at least one hundred twenty hours have elapsed since the decedent's death."

SECTION 176. Section 560:3-403, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Notice shall be given to the following persons: the surviving spouse [or], reciprocal beneficiary, or civil union partner, children, and other heirs of the decedent, the devisees and executors named in any will that is being, or has been, probated, or offered for informal or formal probate in the judicial circuit or that is known by the petitioner to have been probated, or offered for informal or formal probate elsewhere, and any personal representative of the decedent whose appointment has not been terminated. Notice may be given to other persons. In addition, the petitioner shall give notice by publication to all unknown persons and to all known persons whose addresses are unknown who have any interest in the matters being litigated."

SECTION 177. Section 560:3-703, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A personal representative shall not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time. Subject to other obligations of administration, an informally probated will is authority to administer and distribute the estate according to its terms. An order of appointment of a personal representative, whether issued in informal or formal proceedings, is authority to distribute apparently intestate assets to the heirs of the decedent if, at the time of distribution, the personal representative is not aware of a pending testacy proceeding, a proceeding to vacate an order entered in an earlier testacy proceeding, a formal proceeding questioning the personal representative's appointment or fitness to continue, or a supervised administration proceeding. Nothing in this section affects the duty of the personal

representative to administer and distribute the estate in accordance with the rights of claimants, the surviving spouse [or], reciprocal beneficiary, or civil union partner, any minor and dependent children and any pretermitted child of the decedent as described elsewhere in this chapter."

SECTION 178. Section 560:3-713, Hawaii Revised Statutes, is amended to read as follows:

"§560:3-713 Sale, encumbrance, or transaction involving conflict of interest; voidable; exceptions. Any sale or encumbrance to the personal representative, the personal representative's spouse [or], reciprocal beneficiary, civil union partner, agent, or attorney, or any corporation or trust in which the personal representative has a substantial beneficial interest, or any transaction which is affected by a substantial conflict of interest on the part of the personal representative, is voidable by any person interested in the estate except one who has consented after fair disclosure, unless:

- (1) The will or a contract entered into by the decedent expressly authorized the transaction; or
- (2) The transaction is approved by the court after notice to interested persons."

SECTION 179. Section 560:3-901, Hawaii Revised Statutes, is amended to read as follows:

"§560:3-901 Successors' rights if no administration. In the absence of administration, the heirs and devisees are entitled to the estate in accordance with the terms of a probated will or the laws of intestate succession. Devisees may establish title by the probated will to devised property. Persons entitled to property by homestead allowance, exemption or intestacy may establish title thereto by proof of the decedent's ownership, decedent's death, and their relationship to the decedent. Successors take subject to all charges incident to administration, including the claims of creditors and allowances of surviving spouse [or], reciprocal beneficiary, or civil union partner, and dependent children, and subject to the rights of others resulting from abatement, retainer, advancement, and ademption."

SECTION 180. Section 560:3-902, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in subsection (b) and except as may otherwise be provided in connection with the share of the surviving spouse [or], reciprocal beneficiary, or civil union partner who elects to take an elective share, shares of distributees abate, without any preference or priority as between real and personal property, in the following order:

- (1) Property not disposed of by the will;
- (2) Residuary devisees;
- (3) General devisees;
- (4) Specific devisees.

For purposes of abatement, a general devise charged on any specific property or fund is a specific devise to the extent of the value of the property on which it is charged, and upon the failure or insufficiency of the property on which it is charged, a general devise to the extent of the failure or insufficiency. Abatement within each classification is in proportion to the amounts of property each of the beneficiaries would have received if full distribution of the property had been made in accordance with the terms of the will."

SECTION 181. Section 560:3-906, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Unless a contrary intention is indicated by the will, the distributable assets of a decedent's estate shall be distributed in kind to the extent possible through application of the following provisions:

- (1) A specific devisee is entitled to distribution of the thing devised to that person, and a spouse, reciprocal beneficiary, civil union partner, or child who has selected particular assets of an estate as provided in section 560:2-402 shall receive the items selected;
- (2) Any homestead or family allowance or devise of a stated sum of money may be satisfied in kind provided:
 - (A) The person entitled to the payment has not demanded payment in cash;

- (B) The property distributed in kind is valued at fair market value as of the date of its distribution; and
- (C) No residuary devisee has requested that the asset in question remain a part of the residue of the estate;
- (3) For the purpose of valuation under paragraph (2) securities regularly traded on recognized exchanges, if distributed in kind, are valued at the price for the last sale of like securities traded on the business day prior to distribution, or if there was no sale on that day, at the median between amounts bid and offered at the close of that day. Assets consisting of sums owed the decedent or the estate by solvent debtors as to which there is no known dispute or defense are valued at the sum due with accrued interest or discounted to the date of distribution. For assets which do not have readily ascertainable values, a valuation as of a date not more than thirty days prior to the date of distribution, if otherwise reasonable, controls. For purposes of facilitating distribution, the personal representative may ascertain the value of the assets as of the time of the proposed distribution in any reasonable way, including the employment of qualified appraisers, even if the assets may have been previously appraised;
- (4) The residuary estate shall be distributed in any equitable manner."

SECTION 182. Section 560:3-915, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) If the heir or devisee is under disability other than minority, the personal representative is authorized to distribute to:

- (1) An attorney in fact who has authority under a power of attorney to receive property for that person; or
- (2) The spouse [øf], reciprocal beneficiary, or civil union partner, parent, or other close relative with whom the person under disability resides if the distribution is of amounts not exceeding \$10,000 a year, or property not exceeding \$10,000 in value, unless the court authorizes a larger amount or greater value.

Persons receiving money or property for the disabled person are obligated to apply the money or property to the support of that person, but may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the support of the disabled person. Excess sums must be preserved for future support of the disabled person. The personal representative is not responsible for the proper application of money or property distributed pursuant to this subsection."

SECTION 183. Section 560:3-916, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

- "(f) (1) In making an apportionment, allowances shall be made for any exemptions granted, any classification made of persons interested in the estate and for any deductions and credits allowed by the law imposing the tax;
- (2) Any exemption or deduction allowed by reason of the relationship of any person to the decedent or by reason of the purposes of the gift inures to the benefit of the person bearing such relationship or receiving the gift; but if an interest is subject to a prior present interest which is not allowable as a deduction, the tax apportionable against the present interest shall be paid from principal;
 - (3) Any deduction for property previously taxed and any credit for gift taxes or death taxes of a foreign country paid by the decedent or the decedent's estate inures to the proportionate benefit of all persons liable to apportionment;
 - (4) Any credit for inheritance, succession or estate taxes or taxes in the nature thereof applicable to property or interests includable in the estate, inures to the benefit of the persons or interests chargeable with the payment thereof to the extent proportionately that the credit reduces the tax;
 - (5) To the extent that property passing to or in trust for a surviving spouse [øf], reciprocal beneficiary, or civil union partner or any charitable, public or similar purpose is not an allowable deduction for purposes of the tax solely by reason of an inheritance tax or other death tax imposed upon and deductible from the property, the property is not included in the computation provided for in subsection (b), and to that extent no apportionment is made against the property. The sentence immediately preceding does not apply to

any case if the result would be to deprive the estate of a deduction otherwise allowable under section 2053(d) of the Internal Revenue Code of 1986, as amended, of the United States, relating to deduction for state death taxes on transfers for public, charitable, or religious uses."

SECTION 184. Section 560:3-1212, Hawaii Revised Statutes, is amended to read as follows:

"§560:3-1212 Estates of persons leaving no known relatives. Every coroner or medical examiner who is called to investigate the death of any person leaving no known spouse [øf], reciprocal beneficiary, or civil union partner, issue, parent, grandparent, or issue of grandparents over the age of majority in the State, shall take immediate charge of the decedent's personal effects and if in the discretion of the coroner the value of such personal effects is in excess of \$2,500, forthwith deliver them to the clerk of the court of the judicial circuit in which such decedent died.

If after ten days no person appears, competent to initiate appropriate probate proceedings, the clerk shall administer the estate pursuant to the provisions of this part; provided that if the decedent's estate is of a value exceeding \$100,000, the clerk shall notify the judge of the circuit having charge of the probate calendar, and shall petition for the appointment of a personal representative of such estate other than the clerk. In the meantime the clerk may take such steps as may be appropriate to preserve and conserve the real and personal property of the decedent. All expenses in connection with the taking possession, care, and conservation of the property and with such proceedings shall be proper charges against the estate of the decedent. The corporation counsel or county attorney of each county shall advise, assist, and represent as far as necessary any of such officers in the performance of any act or the institution or prosecution of any proceeding required by this section. If the decedent's estate is of a value not exceeding \$2,500 and the decedent has no known relatives or whose relatives have failed to indicate any means of disposition of the estate, then the coroner or medical examiner having custody of the property shall dispose of the property in an appropriate manner, which may be any one of the following or a combination thereof:

- (1) Where the estate consists only of money and is not in excess of \$2,500 and expenditures have been made in connection with such death, to reimburse the appropriate city and/or county office that made the disbursement to defray said expenses;
- (2) Where the estate consists of cash or personal belongings of monetary value, or both, not exceeding \$2,500, to liquidate the personal belongings and apply the proceeds, together with the cash, if the total does not exceed \$2,500, in accordance with paragraph (1);
- (3) Where the assets in the estate are of no monetary value (unsalable) and in the best judgment and discretion of the coroner or medical examiner can be used by some charitable institution, to donate the assets to whatever charitable institution is willing and able to pick up the assets in question;
- (4) Where the assets have no value whatsoever or are in such condition that, in the best judgment and discretion of the coroner or medical examiner, a charitable institution cannot use the properties, or will not receive the properties, to destroy the same in any manner the coroner or medical examiner sees fit; and
- (5) If under paragraphs (1) and (2), there are assets remaining, then the coroner or medical examiner shall forthwith forward the same to the state director of finance for disposition as provided in chapter 523A."

SECTION 185. Section 560:5-102, Hawaii Revised Statutes, is amended by amending the definition of "guardian" to read as follows:

""Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to appointment by a parent, spouse, reciprocal beneficiary, civil union partner, or by the court. The term includes a limited, emergency, and temporary substitute guardian but not a guardian ad litem."

SECTION 186. Section 560:5-105, Hawaii Revised Statutes, is amended to read as follows:

"§560:5-105 Delegation of power by parent or guardian. A parent or guardian of a minor or incapacitated person, by a power of attorney, may

delegate to another person for a period not exceeding one year, which time limit shall be expressly stated in the document, any power regarding the care, custody, or property of the minor or ward, except the power to consent to marriage, civil union, or adoption."

SECTION 187. Section 560:5-110, Hawaii Revised Statutes, is amended to read as follows:

"§560:5-110 Letters of office. Upon the guardian's filing of an acceptance of office, the court shall issue appropriate letters of guardianship. Upon the conservator's filing of an acceptance of office and any required bond, the court shall issue appropriate letters of conservatorship. Letters of guardianship shall indicate whether the guardian was appointed by the court, a parent, or the spouse [Ø], reciprocal beneficiary[-] or civil union partner. Any limitation on the powers of a guardian or conservator or of the assets subject to a conservatorship shall be endorsed on the guardian's or conservator's letters."

SECTION 188. Section 560:5-112, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The appointment of a guardian or conservator terminates upon the death, resignation, or removal of the guardian or conservator or upon termination of the guardianship or conservatorship. A resignation of a guardian or conservator is effective when approved by the applicable court. An appointment by a parent, spouse, [Ø] reciprocal beneficiary, or civil union partner, as guardian under an informally probated will terminates if the will is later denied probate in a formal proceeding. Termination of the appointment of a guardian or conservator does not affect the liability of either for previous acts or the obligation to account for money and other assets of the ward or protected person."

SECTION 189. Section 560:5-301, Hawaii Revised Statutes, is amended to read as follows:

"§560:5-301 Appointment and status of guardian. A person becomes a guardian of an incapacitated person by an appointment by a parent, spouse, [Ø] reciprocal beneficiary, or civil union partner or upon appointment by the court. The guardianship continues until terminated, without regard to the location of the guardian or ward."

SECTION 190. Section 560:5-302, Hawaii Revised Statutes, is amended by amending subsections (b), (c) and (d) to read as follows:

"(b) An individual, by will or other signed writing, may appoint a guardian for the individual's spouse [Ø], reciprocal beneficiary, or civil union partner who the appointing spouse [Ø], reciprocal beneficiary, or civil union partner believes is an incapacitated person, specify desired limitations on the powers to be given to the guardian, and revoke or amend the appointment before confirmation by the court.

(c) The incapacitated person, the person having care or custody of the incapacitated person, if other than the appointing parent, spouse, [Ø] reciprocal beneficiary, or civil union partner, or the adult nearest in kinship to the incapacitated person, may file a written objection to an appointment, unless the court has confirmed the appointment under subsection (d). The filing of the written objection terminates the appointment. An objection may be withdrawn and, if withdrawn, is of no effect. The objection shall not preclude judicial appointment of the person selected by the parent, spouse, [Ø] reciprocal beneficiary[-], or civil union partner. Notice of the objection shall be given to the guardian and any other person entitled to notice of the acceptance of the appointment. The court may treat the filing of an objection as a petition for the appointment of an emergency guardian under section 560:5-312 or for the appointment of a limited or unlimited guardian under section 560:5-304 and proceed accordingly.

(d) Before the appointment becomes effective, that court may confirm the appointing parent's, spouse's, [Ø] reciprocal beneficiary's, or civil union partner's selection of a guardian and terminate the rights of others to object upon:

- (1) Petition of the appointing parent, spouse, [Ø] reciprocal beneficiary[-], or civil union partner;
- (2) A finding that the appointing parent, spouse, [Ø] reciprocal beneficiary, or civil union partner will likely become unable to care for the incapacitated person within two years; and
- (3) Notice as provided in this section."

SECTION 191. Section 560:5-303, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) The appointment of a guardian under section 560:5-302 becomes effective upon:

- (1) The death of the appointing parent, spouse, [Ø] reciprocal beneficiary[-], or civil union partner;
- (2) The adjudication of incapacity of the appointing parent, spouse, [Ø] reciprocal beneficiary[-], or civil union partner; or
- (3) A written determination by a physician who has examined the appointing parent, spouse, [Ø] reciprocal beneficiary, or civil union partner that the appointing parent, spouse, [Ø] reciprocal beneficiary, or civil union partner is no longer able to care for the incapacitated person,

whichever first occurs.

(b) Unless a person having priority under section 560:5-310 has filed an acceptance of appointment, a guardian appointed under section 560:5-302 becomes eligible to act upon the filing of an acceptance of appointment, which shall be filed within thirty days after the guardian's appointment becomes effective. The guardian shall:

- (1) File the notice of acceptance of appointment and a copy of the will with the court of the circuit in which the will was or could be probated or, in the case of another appointing instrument, file the acceptance of appointment and the appointing instrument with the court in the circuit in which the incapacitated person resides or is present; and
- (2) Give written notice of the acceptance of appointment to the appointing parent, spouse, [Ø] reciprocal beneficiary, or civil union partner if living, the incapacitated person, a person having care or custody of the incapacitated person other than the appointing parent, spouse, [Ø] reciprocal beneficiary, or civil union partner, and the adult nearest in kinship."

2. By amending subsection (e) to read:

"(e) Unless the appointment was previously confirmed by the court, within thirty days after filing the notice and the appointing instrument, a guardian appointed under section 560:5-302 shall file a petition in the court for confirmation of the appointment. The petition shall include the information required under section 560:5-304 and detail the special circumstances of the appointment by a parent, spouse, [Ø] reciprocal beneficiary[-], or civil union partner. Notice of the filing shall be given in the manner provided in section 560:5-309."

SECTION 192. Section 560:5-304, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The petition shall set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

- (1) The respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling in which it is proposed that the respondent will reside if the appointment is made;
- (2) The name and address of the respondent's:
 - (A) Spouse [Ø], reciprocal beneficiary, or civil union partner, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and
 - (B) Adult children or, if the respondent has none, the respondent's parents and adult siblings, or if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;
- (3) The name and address of any person responsible for care or custody of the respondent;
- (4) The name and address of any legal representative of the respondent;
- (5) The name and address of any person nominated as guardian by the respondent;

- (6) The name and address of any agent appointed by the respondent under any medical directive, mental health care directive, or health care power of attorney, or, if none, any designated surrogate under section 327E-5(f);
- (7) The name and address of any proposed guardian and the reason why the proposed guardian should be selected;
- (8) The reason why guardianship is necessary, including a brief description of the nature and extent of the respondent's alleged incapacity;
- (9) If an unlimited guardianship is requested, the reason why limited guardianship is inappropriate and, if a limited guardianship is requested, the powers to be granted to the limited guardian; and
- (10) A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts."

SECTION 193. Section 560:5-310, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Subject to subsection (c), the court in appointing a guardian shall consider persons otherwise qualified in the following order of priority:

- (1) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in this State or elsewhere;
- (2) A person nominated as guardian by the respondent, including the respondent's most recent nomination made in a durable power of attorney, if at the time of the nomination the respondent had sufficient capacity to express a preference;
- (3) An agent appointed by the respondent under any medical directive or health care power of attorney or, if none, any designated surrogate under section 327E-5(f);
- (4) The spouse [Ø], reciprocal beneficiary, or civil union partner of the respondent or a person nominated by will or other signed writing of a deceased spouse [Ø], reciprocal beneficiary[;], or civil union partner;
- (5) An adult child of the respondent;
- (6) A parent of the respondent, or an individual nominated by will or other signed writing of a parent; and
- (7) An adult with whom the respondent has resided for more than six months before the filing of the petition."

SECTION 194. Section 560:5-315, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise limited by the court, a guardian may:

- (1) Apply for and receive money payable to the ward or the ward's guardian or custodian for the support of the ward under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;
- (2) If otherwise consistent with the terms of any order by a court of competent jurisdiction relating to custody of the ward, take custody of the ward and establish the ward's place of custodial dwelling; provided that a guardian may only establish or move the ward's place of dwelling outside this State upon express authorization of the court;
- (3) If a conservator for the estate of the ward has not been appointed with existing authority, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the ward or to pay money for the benefit of the ward;
- (4) Consent to medical or other care, treatment, or service for the ward;
- (5) Consent to the marriage [Ø], civil union, divorce, or termination of the ward; and
- (6) If reasonable under all of the circumstances, delegate to the ward certain responsibilities for decisions affecting the ward's well being."

SECTION 195. Section 560:5-403, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The petition under subsection (a) shall set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment or other protective order, and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

- (1) The respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling where it is proposed that the respondent will reside if the appointment is made;
- (2) If the petition alleges impairment in the respondent's ability to receive and evaluate information or alleges another physical, mental, or health impairment, a brief description of the nature and extent of the respondent's alleged impairment;
- (3) If the petition alleges that the respondent is missing, detained, or unable to return to the United States, a statement of the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning the respondent's whereabouts;
- (4) The name and address of the respondent's:
 - (A) Spouse [Ø], reciprocal beneficiary, or civil union partner or, if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and
 - (B) Adult children or, if the respondent has none, the respondent's parents and adult siblings or, if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found with reasonable efforts;
- (5) The name and address of the person responsible for care or custody of the respondent;
- (6) The name and address of any legal representative of the respondent;
- (7) A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;
- (8) The reason why a conservatorship or other protective order is in the best interest of the respondent; and
- (9) A proposed itemized budget of income and expenditures."

SECTION 196. Section 560:5-411, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) After notice to interested persons and upon express authorization of the court, a conservator may:

- (1) Make gifts, except as otherwise provided in section 560:5-427(b);
- (2) Convey, release, or disclaim contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entireties;
- (3) Exercise or release a power of appointment;
- (4) Create a revocable or irrevocable trust of property of the estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the protected person;
- (5) Exercise rights to elect options and change beneficiaries under retirement plans, insurance policies and annuities, or surrender the policies and annuities for their cash value;
- (6) Exercise any right to an elective share in the estate of the protected person's deceased spouse [Ø], reciprocal beneficiary, or civil union partner and to renounce or disclaim any interest by testate or intestate succession or by transfer inter vivos; and
- (7) Make, amend, or revoke the protected person's will."

SECTION 197. Section 560:5-413, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided in subsection (d), the court, in appointing a conservator, shall consider persons otherwise qualified in the following order of priority:

- (1) A conservator, guardian of the estate, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;
- (2) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a durable power of attorney, if the respondent has attained fourteen years of age and at the time of the nomination had sufficient capacity to express a preference;
- (3) An agent appointed by the respondent to manage the respondent's property under a durable power of attorney;
- (4) The spouse [øf], reciprocal beneficiary, or civil union partner of the respondent;
- (5) An adult child of the respondent;
- (6) A parent of the respondent; and
- (7) An adult with whom the respondent has resided for more than six months before the filing of the petition."

SECTION 198. Section 560:5-423, Hawaii Revised Statutes, is amended to read as follows:

"§560:5-423 Sale, encumbrance, or other transaction involving conflict of interest. Any transaction involving the conservatorship estate that is affected by a substantial conflict between the conservator's fiduciary and personal interests is voidable unless the transaction is expressly authorized by the court after notice to interested persons. A transaction affected by a substantial conflict between personal and fiduciary interests includes any sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, the spouse [øf], reciprocal beneficiary, or civil union partner, descendant, agent, or lawyer of a conservator, or a corporation or other enterprise in which the conservator has a substantial beneficial interest."

SECTION 199. Section 560:5-601, Hawaii Revised Statutes, is amended by amending the definition of "interested person" to read as follows:

""Interested person" means an interested, responsible adult, including but not limited to a public official, the legal guardian, spouse [øf], reciprocal beneficiary, or civil union partner, parent, legal counsel, adult child, or next of kin of a person allegedly mentally ill, mentally deficient, or as otherwise provided in this chapter."

SECTION 200. Section 560:6-107, Hawaii Revised Statutes, is amended to read as follows:

"§560:6-107 Rights against multiple-party accounts. A transfer to a survivor of a multiple-party account can be set aside, to the extent described below, in the event the assets in the hands of the personal representative of the deceased party are insufficient to pay taxes, expenses of administration, and homestead and family allowances under sections 560:2-402 and 560:2-404. A surviving party, payable-on-death payee, or beneficiary who receives payment from a multiple-party account after the death of a deceased party may, on application of the personal representative of the deceased party's estate, the surviving spouse [øf], reciprocal beneficiary, or civil union partner of the deceased party, or one acting for a dependent or minor child of the deceased party, be required to account to said personal representative for the deceased party's net contribution to the account to the extent necessary to discharge the insufficiency described above. No proceeding to assert this right shall be commenced later than two years following the death of the deceased party. Sums recovered hereunder shall be administered as part of the decedent's estate. This section shall not affect the right of a financial institution to make payment on multiple-party accounts according to the terms thereof, or make it liable to the estate of a deceased party unless before payment either the institution has been served with process in a proceeding by the personal representative or the institution has actual knowledge that making payment will jeopardize the payment of the taxes, expenses and allowances above mentioned."

SECTION 201. Section 571-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in sections 603-21.5 and 604-8, the court shall have exclusive original jurisdiction:

- (1) To try any offense committed against a child by the child's parent or guardian or by any other person having the child's legal or physical custody, and any violation of section 707-726, 707-727, 709-902, 709-903, 709-903.5, 709-904, 709-905, 709-906, or 302A-1135, whether or not included in other provisions of this paragraph or paragraph (2);
- (2) To try any adult charged with:
 - (A) Deserting, abandoning, or failing to provide support for any person in violation of law;
 - (B) An offense, other than a felony, against the person of the defendant's husband or wife[;], or civil union partner;
 - (C) Any violation of an order issued pursuant to chapter 586; or
 - (D) Any violation of an order issued by a family court judge.

In any case within paragraph (1) or (2), the court, in its discretion, may waive its jurisdiction over the offense charged;

- (3) In all proceedings under chapter 580, and in all proceedings under chapter 584;
- (4) In proceedings under chapter 575, the Uniform Desertion and Nonsupport Act, and under chapter 576B, the Uniform Interstate Family Support Act;
- (5) For commitment of an adult alleged to be mentally defective or mentally ill;
- (6) In all proceedings for support between parent and child [øf], between husband and wife[;], or between partners in a civil union;
- (7) In all proceedings for pre-trial detention or waiver of jurisdiction over an adult who was a child at the time of an alleged criminal act as provided in section 571-13 or 571-22;
- (8) In all proceedings under chapter 586, Domestic Abuse Protective Orders; and
- (9) For the protection of vulnerable adults under chapter 346, part X.

In any case within paragraph (3), (4), or (6), the attorney general, through the child support enforcement agency, may exercise concurrent jurisdiction as provided in chapter 576E."

SECTION 202. Section 571-46.1, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Any order for the custody of the minor child or children of a marriage or civil union entered by a court in this State or any other state may, subject to the jurisdictional requirements set forth in sections 583A-201 to 583A-204, be modified at any time to an order of joint custody in accordance with this section."

SECTION 203. Section 575-2, Hawaii Revised Statutes, is amended to read as follows:

"§575-2 Prima facie evidence; sequestration of money for support of spouse, civil union partner, or children. The absence of any spouse or parent from the other spouse or child or children under the age of sixteen, or civil union partner for a continuous period of three months or more without first making suitable provision for the support and maintenance of [sueh] the spouse, civil union partner, child, or children shall be prima facie evidence of desertion and wilful neglect. In such case, and where it is known that [sueh] the spouse, civil union partner, or parent has money in the possession of a third party, the complaint, made under section 575-3, shall allege the continuous absence by the spouse, civil union partner, or parent and the name of the third party possessing the money. The court in which the complaint is filed shall issue an order to the third party possessing the money to appear before it to show cause why the money shall not be applied to the maintenance and support of the spouse, civil union partner, [the] child, or children.

If, after a hearing for that purpose, the court is satisfied that there has been a continuous absence by the spouse, civil union partner, or parent and a failure by the spouse, civil union partner, or parent to make suitable provision for maintenance and support, and that there is money in the possession of the third party belonging to the spouse, civil union partner, or parent, it shall make an order upon the third party to apply the money in the sum or sums in the manner and at the time or times as it may determine for the support and maintenance of the spouse, civil union partner, or the

child or children; provided that no order to apply the money shall be made unless a copy of the order to show cause is served upon the spouse, civil union partner, or parent prior to the hearing; provided further that if the spouse or parent cannot be found, the order to show cause shall be published in a newspaper of general circulation and for the time as shall be designated by the order of the court."

SECTION 204. Section 575-3, Hawaii Revised Statutes, is amended to read as follows:

"§575-3 **Complaint.** Proceedings under this chapter may be instituted upon complaint made under oath or affirmation by the spouse, civil union partner, child, or children, or [either] any of them, by the child support enforcement agency, or by any other person or persons, or organization, against any person guilty of either of the above named offenses."

SECTION 205. Section 575-4, Hawaii Revised Statutes, is amended to read as follows:

"§575-4 **Evidence; marriage, civil union, paternity, etc.** No other or greater evidence shall be required to prove the marriage of the spouses, civil union of the partners, or that the defendant is the parent of the child or children, than is required to prove such facts in a civil action. In no prosecution under this chapter shall any statute or rule of law prohibiting the disclosure of confidential communications between spouses or civil union partners apply, and both spouses or civil union partners shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of [such] the marriage or civil union and the parentage of [such] the child or children; provided that neither shall be compelled to give self-incriminating evidence. Proof of the desertion of the spouse, civil union partner, child, or children in destitute or necessitous circumstances, or of neglect or refusal to provide for the support and maintenance of the spouse, civil union partner, child, or children, shall be prima facie evidence that the desertion, neglect, or refusal is wilful."

SECTION 206. Section 578-1, Hawaii Revised Statutes, is amended to read as follows:

"§578-1 **Who may adopt; jurisdiction; venue.** Any proper adult person, not married[;] or not in a civil union, or any person married or in a civil union to the legal father or mother of a minor child, or a husband and wife jointly, or partners in a civil union jointly, may petition the family court of the circuit in which the person or persons reside or are in military service or the family court of the circuit in which the individual to be adopted resides or was born or in which a child placing organization approved by the department of human services under the provisions of section 346-17 having legal custody (as defined in section 571-2) of the child is located, for leave to adopt an individual toward whom the person or persons do not sustain the legal relationship of parent and child and for a change of the name of the individual. When adoption is the goal of a permanent plan recommended by the department of human services and ordered pursuant to section 587A-31, the department may petition for adoption on behalf of the proposed adoptive parents. The petition shall be in such form and shall include such information and exhibits as may be prescribed by the family court."

SECTION 207. Section 578-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A petition to adopt an adult may be granted only if written consent to adoption has been executed by the adult and the adult's spouse[;] or civil union partner, if the adult is married[;] or in a civil union."

SECTION 208. Section 578-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) No decree of adoption shall be entered unless a hearing has been held at which the petitioner or petitioners, and any legal parent married or in a civil union to a petitioner, and any subject of the adoption whose consent is required, have personally appeared before the court, unless expressly excused by the court. After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the court may enter a decree of adoption if it is satisfied (1) that the individual is adoptable under sections 578-1 and 578-2, (2) that the individual is physically, mentally, and otherwise suitable for adoption by the petitioners, (3) that the petitioners are fit and proper persons and financially able to give the individual a proper home and education, if the individual is a child, and (4) that the adoption will be for the best interests

of the individual, which decree shall take effect upon such date as may be fixed therein by the court, such date to be not earlier than the date of the filing of the petition and not later than six months after the date of the entry of the decree."

SECTION 209. Section 578-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The records in adoption proceedings, after the petition is filed and prior to the entry of the decree, shall be open to inspection only by the parties or their attorneys, the director of human services or the director's agent, or by any proper person on a showing of good cause therefor, upon order of the court. Except in the case of an individual being adopted by a person married or in a civil union to the legal father or mother of the individual or unless authorized by the court, no petition for adoption shall set forth the name of the individual sought to be adopted or the name of either of the parents of the individual; provided that the legal name of the individual and the name of each of the individual's legal parents may be added to the petition by amendment during the course of the hearing thereof and shall be included in the decree. The hearing of the petition shall be in chambers and shall not be open to the public."

SECTION 210. Section 578-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

"(d) Except as provided in subsection (e), all legal duties and rights between the individual and the individual's former legal parent or parents shall cease from the time of the adoption; provided that if the individual is adopted by a person married or in a civil union to a legal parent of the individual, the full reciprocal rights and duties which theretofore existed between the legal parent and the individual, and the rights of inheritance as between the individual and the legal parent and the legal relatives of the parent, as provided in chapter 560, shall continue, notwithstanding the adoption, subject only to the rights acquired by and the duties imposed upon the adoptive parents by reason of the adoption."

2. By amending subsection (e) to read:

"(e) Notwithstanding subsections (b) and (d), if an individual is adopted before that individual attains the age of majority and:

- (1) The individual is adopted by a spouse or civil union partner of a natural parent of the individual; or
- (2) The individual is adopted by a natural grandparent, aunt, uncle, or sibling of the individual or the spouse or civil union partner of a natural grandparent, aunt, uncle, or sibling;

then for the purposes of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for purposes of determining heirs at law, the rights of the adopted individual and the individual's descendants with respect to the individual's natural family shall not be affected by the adoption, and they shall be included in any determination of heirs or members of any class, unless specifically excluded by name or class."

SECTION 211. Section 583A-310, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) A privilege against disclosure of communications between spouses or civil union partners and a defense of immunity based on the relationship of husband and wife or partners in a civil union or parent and child may not be invoked in a proceeding under this part."

SECTION 212. Section 584-2, Hawaii Revised Statutes, is amended to read as follows:

"[H]§584-2[H] **Relationship not dependent on marriage[;] or civil union.** Any parent and child relationship established under this chapter extends to every such child and to every such parent, regardless of the marital or civil union status of the parents."

SECTION 213. Section 586-1, Hawaii Revised Statutes, is amended by amending the definition of "family or household member" to read as follows:

"'Family or household member' means spouses [Ø], reciprocal beneficiaries, or civil union partners, former spouses [Ø], former reciprocal beneficiaries, or former civil union partners, persons who have a child in common, parents, children, persons related by consanguinity,

persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship."

SECTION 214. Section 587A-4, Hawaii Revised Statutes, is amended by amending the definition of "family" to read as follows:

"'Family' means each legal parent of a child; the birth mother, unless the child has been legally adopted; the concerned birth father as provided in section 578-2(a)(5), unless the child has been legally adopted; each parent's spouse [øŕ], civil union partner, former spouse[;], or former civil union partner; each sibling or person related by blood or marriage; each person residing in the dwelling unit; and any other person or legal entity with:

- (1) Legal or physical custody or guardianship of the child, or
- (2) Responsibility for the child's care.

For purposes of this chapter, the term "family" does not apply to an authorized agency that assumes the foregoing legal status or relationship with a child."

SECTION 215. Section 606-5, Hawaii Revised Statutes, is amended to read as follows:

"§606-5 Free copies of certain decrees to veterans. The clerk of any state court shall provide to any veteran of the armed forces of the United States, the veteran's spouse[;] or civil union partner, any member of the immediate family of a veteran, or the next of kin of a deceased veteran, free copies of decrees of divorce or adoption, when such copies are required for use in connection with a claim based on service in the armed forces of the United States."

SECTION 216. Section 622-57, Hawaii Revised Statutes, is amended by adding subsection (h) to read as follows:

"(h) For the purposes of this section:

"Deceased person's next of kin" means a person with the following relationship to the deceased person:

- (1) The spouse [øŕ], reciprocal beneficiary[;], or civil union partner;
- (2) An adult child;
- (3) Either parent;
- (4) An adult sibling;
- (5) A grandparent; and
- (6) A guardian at the time of death.

"Personal representative" shall have the meaning provided in section 560:1-201."

SECTION 217. Section 626-1, Hawaii Revised Statutes, is amended by amending rule 505 to read as follows:

"Rule 505 Spousal privilege. (a) Criminal proceedings. In a criminal proceeding, the spouse of the accused has a privilege not to testify against the accused. This privilege may be claimed only by the spouse who is called to testify.

(b) Confidential marital communications; all proceedings.

(1) Definition. A "confidential marital communication" is a private communication between spouses that is not intended for disclosure to any other person.

(2) Either party to a confidential marital communication has a privilege to refuse to disclose and to prevent any other person from disclosing that communication.

(c) Exceptions. There is no privilege under this rule (1) in proceedings in which one spouse is charged with a crime against the person or property of (A) the other, (B) a child of either, (C) a third person residing in the household of either, or (D) a third person committed in the course of committing a crime against any of these, or (2) as to matters occurring prior to the marriage.

(d) For purposes of this section, the term "spouse" shall include a partner in a civil union."

SECTION 218. Section 626-1, Hawaii Revised Statutes, is amended by amending rule 803, subsection (b), to read as follows:

"(b) Other exceptions.

- (1) Present sense impression. A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition or immediately thereafter.
- (2) Excited utterance. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
- (3) Then existing mental, emotional, or physical condition. A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
- (4) Statements for purposes of medical diagnosis or treatment. Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.
- (5) Reserved.
- (6) Records of regularly conducted activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made in the course of a regularly conducted activity, at or near the time of the acts, events, conditions, opinions, or diagnoses, as shown by the testimony of the custodian or other qualified witness, or by certification that complies with rule 902(11) or a statute permitting certification, unless the sources of information or other circumstances indicate lack of trustworthiness.
- (7) Absence of entry in records kept in accordance with the provisions of paragraph (6). Evidence that a matter is not included in the memoranda, reports, records, or data compilations, in any form, kept in accordance with the provisions of paragraph (6), to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a memorandum, report, record, or data compilation was regularly made and preserved, unless the sources of information or other circumstances indicate lack of trustworthiness.
- (8) Public records and reports. Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, in criminal cases matters observed by police officers and other law enforcement personnel, or (C) in civil proceedings and against the government in criminal cases, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.
- (9) Records of vital statistics. Records or data compilations, in any form, of births, fetal deaths, deaths, [øŕ] marriages, or civil union if the report thereof was made to a public office pursuant to requirements of law.
- (10) Absence of public record or entry. To prove the absence of a record, report, statement, or data compilation, in any form, or the nonoccurrence or nonexistence of a matter of which a record, report, statement, or data compilation, in any form, was regularly made and preserved by a public office or agency, evidence in the form of a certification in accordance with rule 902, or testimony, that diligent search failed to disclose the record, report, statement, or data compilation, or entry.
- (11) Records of religious organizations. Statements of births, marriages, civil unions, divorces, terminations, deaths, legitimacy, ancestry, relationship by blood [øŕ], marriage, or civil union, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.
- (12) Marriage, civil union, baptismal, and similar certificates. Statements of fact contained in a certificate that the maker performed a marriage, civil union, or other ceremony or administered a sacrament, made by a clergyman, public official, or other person authorized by the rules or practices of a religious

organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

- (13) Family records. Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.
- (14) Records of documents affecting an interest in property. The record of a document purporting to establish or affect an interest in property, as proof of the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the record is a record of a public office and an applicable statute authorizes the recording of documents of that kind in that office.
- (15) Statements in documents affecting an interest in property. A statement contained in a document purporting to establish or affect an interest in property if the matter stated was relevant to the purpose of the document, unless the circumstances indicate lack of trustworthiness.
- (16) Statements in ancient documents. Statements in a document in existence twenty years or more the authenticity of which is established.
- (17) Market reports, commercial publications. Market quotations, tabulations, lists, directories, or other published compilations, generally used and relied upon by the public or by persons in particular occupations.
- (18) Learned treatises. To the extent called to the attention of an expert witness upon cross-examination or relied upon by the witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice. If admitted, the statements may be read into evidence but may not be received as exhibits.
- (19) Reputation concerning personal or family history. Reputation among members of the person's family by blood, adoption, [Ø] marriage, or civil union, or among the person's associates, or in the community, concerning a person's birth, adoption, marriage, civil union, divorce, termination, death, legitimacy, relationship by blood, adoption, [Ø] marriage, or civil union, ancestry, or other similar fact of the person's personal or family history.
- (20) Reputation concerning boundaries or general history. Reputation in a community, arising before the controversy, as to boundaries of or customs affecting lands in the community, and reputation as to events of general history important to the community or state or nation in which located.
- (21) Reputation as to character. In proving character or a trait of character under rules 404 and 405, reputation of a person's character among the person's associates or in the community.
- (22) Judgment of previous conviction. Evidence of a final judgment, entered after a trial or upon a plea of guilty (but not upon a plea of nolo contendere), adjudging a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused. The pendency of an appeal may be shown but does not affect admissibility.
- (23) Judgment as to personal, family or general history, or boundaries. Judgments as proof of matters of personal, family or general history, or boundaries, essential to the judgment, if the same would be provable by evidence of reputation.
- (24) Other exceptions. A statement not specifically covered by any of the exceptions in this paragraph (b) but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts, and (B) the general purposes of these

rules and the interests of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant."

SECTION 219. Section 626-1, Hawaii Revised Statutes, is amended by amending rule 804, subsection (b) to read as follows:

"(b) Hearsay exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

- (1) Former testimony. Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of the same or another proceeding, at the instance of or against a party with an opportunity to develop the testimony by direct, cross, or redirect examination, with motive and interest similar to those of the party against whom now offered;
- (2) Statement under belief of impending death. A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be the declarant's impending death;
- (3) Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless the declarant believed it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement;
- (4) Statement of personal or family history. (A) A statement concerning the declarant's own birth, adoption, marriage, civil union, divorce, termination, legitimacy, relationship by blood, adoption, [Ø] marriage, or civil union, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, [Ø] marriage, or civil union or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared;
- (5) Statement of recent perception. A statement, not in response to the instigation of a person engaged in investigating, litigating, or settling a claim, which narrates, describes, or explains an event or condition recently perceived by the declarant, made in good faith, not in contemplation of pending or anticipated litigation in which the declarant was interested, and while the declarant's recollection was clear;
- (6) Statement by child. A statement made by a child when under the age of sixteen, describing any act of sexual contact, sexual penetration, or physical violence performed with or against the child by another, if the court determines that the time, content, and circumstances of the statement provide strong assurances of trustworthiness with regard to appropriate factors that include but are not limited to: (A) age and mental condition of the declarant; (B) spontaneity and absence of suggestion; (C) appropriateness of the language and terminology of the statement, given the child's age; (D) lack of motive to fabricate; (E) time interval between the event and the statement, and the reasons therefor; and (F) whether or not the statement was recorded, and the time, circumstances, and method of the recording. If admitted, the statement may be read or, in the event of a recorded statement, broadcast into evidence but may not itself be received as an exhibit unless offered by an adverse party;
- (7) Forfeiture by wrongdoing. A statement offered against a party that has procured the unavailability of the declarant as a witness;

- (8) Other exceptions. A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts, and (B) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement and the particulars of it, including the name and address of the declarant."

SECTION 220. Section 651-91, Hawaii Revised Statutes, is amended to read as follows:

"**§651-91 Definitions.** As used in this subpart:

[(4)] "Head of a family" includes within its meaning:

- (A) A man and woman when married, except as provided in section 651-93[-]; or partners in a civil union, except as provided in section 651- .
- (B) Every individual who is residing on the real property and who has under [his-or-her] the individual's care or maintenance, either:
 - (i) [~~His-or-her~~] The individual's minor child, [~~or~~] minor grandchild, or the minor child of [~~his-or-her~~] the individual's deceased wife [~~or~~], husband[;], or civil union partner;
 - (ii) A minor brother or sister, or the minor child of a deceased brother or sister;
 - (iii) A father, mother, grandfather, or grandmother;
 - (iv) The father, mother, grandfather, or grandmother of a deceased husband or wife;
 - (v) An unmarried brother, sister, or any other of the relatives mentioned in this subparagraph, who have attained the age of majority.
- (C) Head of household as defined in section 2(b) of the Internal Revenue Code of 1954, as amended.

[(2)] "Long-term lease" means a lease for twenty years or more.

[(3)] "Owner" means an individual who has an interest in real property.

[(4)] "Person" means any individual under sixty-five years of age other than the head of a family.

[(5)] "Real property" consists of the dwelling house in which the owner resides and one parcel of land not to exceed one acre, upon which it is situated together with other buildings thereon. This parcel may be in fee simple or any other interest in real property which vests the immediate right of possession, even though such right of possession is not exclusive, and includes land held under long-term lease, ownership rights in a condominium or stock cooperative unit."

SECTION 221. Section 651C-1, Hawaii Revised Statutes, is amended by amending the definition of "relative" to read as follows:

""Relative" means an individual related within the third degree as determined by the common law, a spouse, civil union partner, or an individual related to a spouse or civil union partner within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree."

SECTION 222. Section 663-1, Hawaii Revised Statutes, is amended to read as follows:

"**§663-1 Torts, who may sue and for what.** Except as otherwise provided, all persons residing or being in the State shall be personally responsible in damages, for trespass or injury, whether direct or consequential, to the person or property of others, or to their spouses [~~or~~], reciprocal beneficiaries, or civil union partners, children under majority, or wards, by such offending party, or the offending party's child under majority, or by the offending party's command, or by the offending party's

animals, domestic or wild; and the party aggrieved may prosecute therefor in the proper courts."

SECTION 223. Section 663-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In any action under this section, such damages may be given as under the circumstances shall be deemed fair and just compensation, with reference to the pecuniary injury and loss of love and affection, including:

- (1) Loss of society, companionship, comfort, consortium, or protection;
- (2) Loss of marital care, attention, advice, or counsel;
- (3) Loss of care, attention, advice, or counsel of a reciprocal beneficiary as defined in chapter 572C;
- (4) Loss of filial care or attention; or
- (5) Loss of parental care, training, guidance, or education, suffered as a result of the death of the person;

by the surviving spouse, reciprocal beneficiary, civil union partner, children, father, mother, and by any person wholly or partly dependent upon the deceased person. The jury or court sitting without jury shall allocate the damages to the persons entitled thereto in its verdict or judgment, and any damages recovered under this section, except for reasonable expenses of last illness and burial, shall not constitute a part of the estate of the deceased. Any action brought under this section shall be commenced within two years from the date of death of the injured person, except as otherwise provided."

SECTION 224. Section 663E-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) One or more of the following persons may bring an action to recover for damages caused by an individual's use of an illegal drug:

- (1) A parent, legal guardian, child, spouse, civil union partner, or sibling of the individual drug user;
- (2) An individual who was exposed to an illegal drug in utero;
- (3) An employer of the individual drug user;
- (4) A medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user or that otherwise expended money on behalf of the individual drug user; or
- (5) A person injured as a result of the intentional, knowing, reckless, or negligent actions of an individual drug user."

SECTION 225. Section 676-1, Hawaii Revised Statutes, is amended by amending the definition of "dependents" to read as follows:

""Dependents" include a payee's spouse or civil union partner and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony."

SECTION 226. Section 702-231, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

"(3) It is not a defense that a person acted on the command of his or her spouse[-] or civil union partner, unless he or she acted under such coercion as would establish a defense under this section."

SECTION 227. Section 706-606.3, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person who has committed intra-family sexual assault may be considered for the expedited sentencing program in accordance with this section. As used in this section, "intra-family" sexual assault means any criminal offense of felony sexual assault under section 707-730, 707-731, or 707-732, or incest, as defined in section 707-741, in which the victim of the offense is related to the defendant by consanguinity [~~or~~], marriage, or civil union, or resides in the same dwelling unit as the defendant, and the victim was, at the time of the sexual assault, under the age of eighteen."

SECTION 228. Section 706-670.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) As used in this section, the following terms have the following meanings:

"Offense against the person" means any of the offenses described in chapter 707 and includes any attempt to commit any of those offenses.

"Prisoner" or "parolee" means a person who has been convicted of an offense against the person.

"Surviving immediate family member" means a person who is a surviving grandparent, parent, sibling, spouse [Ø], reciprocal beneficiary, or civil union partner, child, or legal guardian of a deceased victim.

"Victim" means the person who was the victim of the offense against the person for which the prisoner or parolee was convicted."

SECTION 229. Section 706-673, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) As used in this section, the following terms have the following meanings:

"Offense against the person" means any of the offenses described in chapter 707 and includes any attempt to commit any of those offenses.

"Prisoner" means a person who has been convicted of an offense against the person.

"Surviving immediate family member" means a person who is a surviving grandparent, parent, sibling, spouse [Ø], reciprocal beneficiary, or civil union partner, child, or legal guardian of a deceased victim.

"Victim" means the person who was the victim of the offense against the person for which the prisoner was convicted."

SECTION 230. Section 707-734, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of indecent exposure iff[,] the person intentionally exposes the person's genitals to a person to whom the person is not married or not in a civil union under circumstances in which the actor's conduct is likely to cause affront."

SECTION 231. Section 707-741, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of incest if the person commits an act of sexual penetration with another who is within the degrees of consanguinity or affinity within which marriage or civil union is prohibited."

SECTION 232. Section 707-769, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) If the owner of the property is the defendant's spouse [Ø], reciprocal beneficiary, or civil union partner, it is a defense to a prosecution for extortion under paragraph (1) of section 707-764 that:

- (a) The property which is obtained or over which unauthorized control is exerted constitutes household belongings; and
- (b) The defendant and the defendant's spouse [Ø], reciprocal beneficiary, or civil union partner were living together at the time of the conduct."

SECTION 233. Section 708-834, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) If the owner of the property is the defendant's spouse, [Ø] reciprocal beneficiary, or civil union partner, it is a defense to a prosecution for theft of property that:

- (a) The property which is obtained or over which unauthorized control is exerted constitutes household belongings; and
- (b) The defendant and the defendant's spouse [Ø], reciprocal beneficiary, or civil union partner were living together at the time of the conduct."

SECTION 234. Section 709-903, Hawaii Revised Statutes, is amended to read as follows:

"§709-903 Persistent nonsupport. (1) A person commits the offense of persistent nonsupport if the person knowingly and persistently fails to provide support [which] that the person can provide and [which] that the person knows the person is legally obliged to provide to a spouse, civil union partner, child, or other dependent.

(2) "Support" includes but is not limited to food, shelter, clothing, education, and other necessary care as determined by law.

(3) Persistent nonsupport is a misdemeanor."

SECTION 235. Section 709-906, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

For the purposes of this section, "family or household member" means spouses [Ø], reciprocal beneficiaries, or civil union partners, former spouses [Ø], reciprocal beneficiaries, or civil union partners, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit."

SECTION 236. Section 801D-2, Hawaii Revised Statutes, is amended by amending the definition of "surviving immediate family members" to read as follows:

""Surviving immediate family members" means surviving grandparents, parents, siblings, spouse, reciprocal beneficiary, civil union partner, children, and any legal guardian of the homicide victim."

SECTION 237. Section 803-46, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) No order entered under this section shall authorize or approve the interception of any wire, oral, or electronic communication for any period longer than is necessary to achieve the objective of the authorization, and in no event for longer than thirty days. The thirty-day period begins on the earlier of the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or ten days after the order is entered. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsections (a) and (b) of this section and the court making the findings required by subsection (c) of this section. The period of extension shall be no longer than the designated judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this part, and shall terminate upon attainment of the authorized objective, or in any event in thirty days. If the intercepted communication is in a code or a foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after the interception.

An interception may be conducted in whole or in part by investigative or law enforcement officer(s), or by an individual operating under a contract with the State or a county, acting under the supervision of an investigative or law enforcement officer authorized to conduct the interception.

- (1) The interception shall be conducted in such a way as to minimize the resulting invasion of privacy including but not limited to the following methods of minimization:
 - (A) Conversations that appear unlikely to result in incriminating conversations relating to the offense for which the order is issued shall be subject to intermittent monitoring; and
 - (B) Privileged conversations, including those between a person and the person's spouse, civil union partner, attorney, physician, or clergy, shall not be intercepted unless both parties to the conversation are named or described in the application and order.
- (2) In determining whether incriminating statements are likely to occur during a conversation the following factors should be considered:
 - (A) The parties to the conversation;
 - (B) The particular offense being investigated;
 - (C) The subject matter of the conversation;
 - (D) The subject matter of previous conversations between the same parties and whether any incriminating statements occurred; and
 - (E) The hour and day of conversation."

SECTION 238. Section 846-32, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If, after registration, the name of any registrant is legally changed by marriage, civil union, divorce, termination, adoption, legitimation, order of the lieutenant governor, or other legal means, or if there is a change in the registrant's citizenship, the registrant or other person in charge of the registrant (in the case of a minor or incompetent person), within thirty days after the change of name or citizenship, shall report the change and present the registrant's certificate of identification to the department of the attorney general. The department, upon being satisfied as to the change and receiving payment of the fee, shall cancel the certificate and issue a new certificate bearing the new name or citizenship of the registrant, making appropriate notation of the facts upon the records of the department."

SECTION 239. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 240. In codifying the new chapters added by sections 2 and 3 of this Act, the revisor of statutes shall substitute appropriate chapter numbers for the letters used in designating the new chapters in this Act.

SECTION 241. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 242. This Act shall take effect on July 1, 2011, provided that:

- (1) The amendment made to section 235-7, Hawaii Revised Statutes, by section 41 of this Act shall not be repealed when section 235-7, Hawaii Revised Statutes, is reenacted on January 1, 2013, pursuant to section 3 of Act 166, Session Laws of Hawaii 2007;
- (2) The amendment made to section 235-51, Hawaii Revised Statutes, by section 44 of this Act shall not be repealed when section 235-51, Hawaii Revised Statutes, is reenacted on December 31, 2015, pursuant to section 6(3) of Act 60, Session Laws of Hawaii 2009; and
- (3) Sections 36 through 53 of this Act shall apply to taxable years beginning after December 31, 2010.

INTRODUCED BY: Scott K. Saiki
Chris Lee
Hermina M. Morita"

Representative Keith-Agaran rose to speak in support of the measure, stating:

"Mr. Speaker, I do want to insert some comments into the record, and I just want to speak briefly in support. I think we should focus on what we're doing here today and that's we're approving a particular bill. And this bill makes no change to Hawaii's marriage law. Our marriage law will continue to be reserved to one man and one woman. The proposed bill makes no change to Hawaii's marriage statute as adopted by this Legislature and as mandated and given the authority by the elections in 1998.

"What's before us today is extending comparable dignity and the financial and other benefits that State government grants to Hawaii residents in committed relationships who love and care for one another.

"So whether or not same-sex relationships are consistent with our personal religious beliefs, I think we all live in communities where they exist, and a basic tenet of our social contract is that government should apply our laws in a way that impacts all our residents in similar circumstances equally.

"So I personally have no quarrel with people who differ on legally recognizing same-sex relationships due to deeply held religious beliefs, but for myself Mr. Speaker, I have enough faith and sober humility to understand that the success or failure in my own marriage depends more

on the work and love I pour into that committed relationship than whether or not we as a government, we as a House, and we as a community exclude or welcome other Hawaii citizens from entering into commitments like civil unions that are entitled to the same respect as my own marriage. So I urge a vote in favor of the bill."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker.

"As I mentioned in my oral remarks, SB 232, S.D. 1, H.D. 1 moves us – as a government, and as a community – towards affording some recognition of committed relations between same sex couples. This bill concerns the rights of all individuals to choose their partners, whether of the same or opposite sex, and to have specific rights granted under Hawaii law.

"What we do today makes sense for us out of fairness, but also because it serves the greater good of our community and the social good of Hawaii. Government confers benefits on committed relationships like marriage and – if this bill is enacted into law – on civil unions as a means of strengthening our community. As a community, we have a keen interest in encouraging and preserving committed relationships as a basic expectation for adult life. The "ties that bind" us in our families are important to the fabric of our society.

"As I have noted in the past, former U.S. Solicitor General and prominent conservative lawyer Ted Olson explained in a *Newsweek* article:

Conservatives and liberals alike need to come together on principles that surely unite us. Certainly, we can agree on the value of strong families, lasting domestic relationships, and communities populated by persons with recognized and sanctioned bonds to one another. Confining some of our neighbors and friends who share these same values to an outlaw or second-class status undermines their sense of belonging and weakens their ties with the rest of us and what should be our common aspirations. Even those whose religious convictions preclude endorsement of what they may perceive as an unacceptable "lifestyle" should recognize that disapproval should not warrant stigmatization and unequal treatment.

When we refuse to accord this status to gays and lesbians, we discourage them from forming the same relationships we encourage for others. And we are also telling them, those who love them, and society as a whole that their relationships are less worthy, less legitimate, less permanent, and less valued. We demean their relationships and we demean them as individuals. I cannot imagine how we benefit as a society by doing so.

"Mr. Speaker, as I expressed previously in prior Sessions on another civil unions measure, I still find myself agreeing generally with Solicitor Olson. My support for this bill is based on the basic American value that all citizens are entitled to be treated equal and on the fundamental fairness that should be expected in our community. It's never wise to ignore the diversity of families and relationships that already exist in our Hawaii, or the hardships that arise without establishing a framework that a civil union statute will bring. This bill acknowledges that equal treatment and equal rights must extend to all familial relationships, and recognizes the changes that have taken place in many homes in our State.

"We all swore an oath to uphold the Hawaii State Constitution which enshrines and echoes the words of our country's Founding Fathers: that all Hawaii residents are created equal and entitled to certain "inalienable rights": "the enjoyment of life, liberty and the pursuit of happiness." Haw. Const. Art. I, Sec. 2. Further, our Constitution also requires: "Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section." Haw. Const. Art. I, Sec. 3.

"As others in the debate over civil unions have also observed, for all the hand-wringing and rhetoric about the importance of preserving "traditional marriage," any instability in Hawaii and American marriages pre-date recognition of civil unions. If we want to talk about protecting marriage, we need to work on issues that strain our committed relationships – an

economy that requires both partners and parents to work and often to work two or more jobs, a culture that values narcissism and acquisition and living beyond our means and the means of our islands to support that lifestyle, and an assumption that we need to and can blame others for the problems we face in our own lives.

"As I wrote at the end of last Session on the Third Reading of H.B. No. 444, HD1, SD 1, preventing same gender legal relationships has little to do with determining or influencing whether a person's heterosexual marriage is succeeding or not. Again, I personally have no quarrel with people who differ on legally recognizing same sex relationships due to deeply held religious beliefs. But I believe that the heart of the gospel message that I learned in my family and in my Church remains love: love of god, love of my family, and love of all my neighbors, all in light of an undeserved Grace. The late William Sloane Coffin asserted:

It is not Scripture that creates hostility to homosexuality, but rather hostility to homosexuals that prompts some Christians to recite a few sentences from Paul and retain passages from an otherwise discarded Old Testament law code. In abolishing slavery and in ordaining women we've gone beyond biblical literalism. It's time we did the same with gays and lesbians. The problem is not how to reconcile homosexuality with scriptural passages that condemn it, but rather how to reconcile the rejection and punishment of homosexuals with the love of Christ. It can't be done. So instead of harping on what's "natural," let's talk of what's "normal," what operates according to the norm. For Christians the norm is Christ's love. If people can show the tenderness and constancy in caring that honors Christ's love, what matters their sexual orientation? Shouldn't a relationship be judged by its inner worth rather than by its outer appearance?

"William Sloane Coffin, *Credo*: 39 (2004). Further, "[t]he assertion that gays threaten to destroy heterosexual marriage is an assertion only, not an argument. If anyone destroys marriage, it's married people, not gays." W.S. Coffin, *Credo*, p. 41.

"As I suggested last Session, marriage benefits our society precisely because any civil benefits conferred by government on couples are conditioned upon solemn mutual promises by spouses to meet very specific responsibilities to each other. Marriage is a sacrifice of our individualism and our personal selfishness – in my religious tradition, we believe that marriage unites two people as one. I certainly believe that it remains good public policy for people to be in relationships to love, honor and respect each other, and where there are socially enforced and legally supported rights and obligations.

"So I remain compelled to vote in favor of letting people make a legal commitment to the person they love. I know that the success of my own marriage will continue to depend on the love I pour into it more than whether we as a Legislature, we as a House, or we as a community vote to exclude or welcome other citizens from entering into a similar kind of union.

"I urge a vote in favor of the bill."

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

"Yes, Mr. Speaker, I speak against the measure. I did not intend to speak, but because this is such a serious matter I feel compelled to do it. I am not a religious person, but I do go to services and I believe in traditional marriage between a man and a woman. I've been married to my wife for 48 years, and I've been surrounded by families who are similar circumstances, and they're not too happy with this bill and what's going on. It's basically shaking the institution whether you like it or not. The institution of marriage as we have known it is being challenged, and it will never be the same after this. Believe me.

"In looking at the language from the civil unions, and I don't have a problem with it. I voted for every bill that provided more freedom and equality for people of all sexes, religion, and etc. with no discrimination. I never had a problem. But the language that they have for the bonding of civil union is almost exactly the same as the language for marriage. It

makes no distinction in that. And if you read the bill, and if you read the marriage bonding bill, it's the same thing.

"So in effect, its marriage. And so be it. But we cannot pretend that it's not marriage. It is. Take a look at the language of both. And for those and now that as we go on to this new era of civil unions and possibly beyond, I will adjust myself to live within this environment. And I have no problem with people of different opinions of mind. I will adjust as I have throughout the rest of my life, but in this bill I do know that it's going to affect marriage as an institution. Thank you, very much."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. In 1968, the year after interracial marriage was legalized, just 20% of the American public approved of such relationships. I don't know how the elected leaders who opposed interracial marriage at the time, or civil rights for that matter, or women's suffrage, can look at their grandchildren in the eyes today and say, that opposing these cornerstones of freedom and equality was the right thing to do.

"We're elected by doing what is popular, but we will be remembered one day for doing what is right. And unfortunately for us, history shows that what is popular and what is right are rarely one and the same.

"Like so many others, I wasn't old enough to vote on this issue in 1998. But fortunately, it seems a generational change has brought a majority of residents in Hawaii to support the individual freedoms protected by this bill and today, that makes our job here just a little bit easier.

"Our generation is not afraid of those who are different than us, nor those we may not understand. I do, one day, look forward to getting married knowing that my marriage will only be as strong as my commitment to it, and no one else can diminish it.

"We all have family, friends, and neighbors who are gay. They have always lived in our society and they will continue to live here whether we pass this bill or not. They will continue to have relationships whether we pass this bill or not. But we have an obligation to pass this bill and see that everyone is treated equally and fairly under the laws of this great State where it is self-evident that each of us is created equal, endowed by our creator with the unalienable right to pursue life, liberty, and happiness. And I know of no one who can be happy, none of us, when kept apart from the one they love.

"We cannot in Hawaii speak about diversity and let it divide us. We cannot in our community speak about tolerance, yet remain intolerant. We cannot in this Chamber speak about equality and turn our backs to it. Mr. Speaker, one day I will look my grandchildren in the eye, and I look forward to telling them that I did the right thing. I vote yes."

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

"Mr. Speaker, I rise in strong support of SB No. 232, SD 1, HD 1. I'll be very brief. I rise in honor of all those who stand steadfast against those who will assail us merely for wanting our share of justice and equality that is promised in our Constitution.

"And I rise and stand for the generations before me who have fought, whether loudly and proudly, or quietly and strategically, but nonetheless relentlessly for their rights regardless of categorization, labels, or insults because what we truly want, and what truly matters, is that when we promote justice and when we promote safeguards for the rights of one, we protect and enhance the rights of all.

"I rise and literally stand on the foundation of support built by those around me and behind me, that serve not only to lift me higher, but allows me to stand prouder and pump up the volume of my voice.

"And I rise to thank all my colleagues who regardless of the differences of the past, some made more recently apparent in recent times, some from differences long ago, that are willing to stand up regardless of the stones

and arrows that sometimes are slung our way. And from the very core of my being, from the inner most reaches of my soul, I truly thank you.

"I did want to address a couple of the arguments. One is that this is somehow affecting the institution of marriage and this is about same-sex marriage. I will refer them specifically to the bill and if they read it closely, even though people say they have, they probably haven't. On page 2, when we talk about eligibility to enter into a civil union, it says that a person shall be eligible to enter into a civil union. A person. That's all we're doing by this bill. We're not categorizing. We're not saying it's defined by gender. We're not saying it's defined by who you are, what you look like, what you're sexual orientation is. It's all about being a person. It's all about being treated equally, and it's all about being treated like everybody else.

"In conclusion, and I just wanted to actually reiterate what the Representative from Waimanalo said. It's been a long pursuit of happiness promised by the Declaration of Independence, because we seek not just to have it written in words, but to have it realized and effectuated in our daily lives. That, that long pursuit and chase come to an end, at least for today, and let us have that day when we can mark on our calendar that overdue respite that has tired many for generations. Let today be the day where we all have that day of being created equally. And let today be that day where we move ever closer to having justice for all. Thank you, very much."

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

Representative Takumi's written remarks are as follows:

"Mr. Speaker, when I was first elected to office in 1992, little did I know that as a result of the Hawaii Supreme Court ruling on the Baehr v. Lewin case, I would soon be embroiled in a contentious social issue.

"Here we are 19 years later and whether it's called same-sex marriage, domestic partnerships, civil unions or reciprocal beneficiaries, it still continues to divide our community, our families and, indeed, our Legislature.

"We've all gotten the e-mails, letters and phone calls. For or against, eloquent or crude, tolerant or bigoted, compassionate or insensitive, they reflect the best and worst in all of us.

"There are no easy answers. But I believe that there is a just answer.

"And that is the bill before us.

"All of us who are privileged to serve in this Chamber are here for one reason and one reason only: to make a difference. Now, we may disagree on how we go about resolving problems confronting our communities, but we all share the common value of wanting to make a difference in the lives of the people of Hawaii.

"Today, we can make a difference.

"There are those who say that voting in support of this measure will have a political cost for some of us. This may very well prove true.

"But, Mr. Speaker, this is a small price to pay compared to the thousands of people out there who are denied the very same rights, benefits and obligations that most of us enjoy and are entitled to simply because of our sexual orientation. This is not right.

"Today, we can make it right.

"Finally, there are those who say that we shouldn't do anything given all the pressing issues that must be dealt with and that this doesn't quite rise to the level of taking action.

"But rise it does, Mr. Speaker. Rise it does. And today, at long last, so must we."

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

"Mr. Speaker, in strong support. And may the record reflect the words of the Majority Leader as my own, and also permission to enter written comments. Thank you," and the Chair "so ordered."

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

"Mr. Speaker, I rise in support of Senate Bill No. 232, Senate Draft 1, House Draft 1, Relating to Civil Unions.

"This bill would recognize and establish the status of civil unions in Hawaii, and it would entitle persons who enter into a civil union to the same rights, benefits, protections, and responsibilities under law as are granted to those who contract, obtain a license, and are solemnized under Hawaii's marriage law.

"I strongly support the intent and purpose of the bill; however, I would like to express a reservation I have with the language found in the Senate Draft 1, House Draft 1.

"On page 2, §-3 prohibits civil unions between persons who are related to one another. However, Hawaii's Reciprocal Beneficiaries Law, Chapter 572C, Hawaii Revised Statutes, permits related persons to enter into a reciprocal beneficiary relationship. This law provides some of the benefits of marriage to couples -- including related persons such as a mother and son, father and daughter, or brother and sister -- to support these relationships. The 1997 Legislature recognized that Hawaii's families typically provide lifelong care and companionship to aging parents and siblings and that this practice deserved the support and protection of State laws. Under Senate Bill No. 232, Senate Draft 1, House Draft 1, persons who are related and are in a reciprocal beneficiary relationship would be prohibited from entering into a civil union relationship. This fact seems to be inconsistent with the principle of equal protection and equal treatment under law that this bill seeks. I have recently and repeatedly voiced my objections to both public and private audiences, and during the 2010 Session, I cast my "aye vote with reservations" on House Bill 444, House Draft 1, Senate Draft 1, to no avail. In fact, I incorporate my previous remarks found on page 939 of the House Journal, Regular Session of 2010, Session Day 60, April 29, 2010, to this discussion. But, as imperfect this measure may be, I will not allow the perfect to be the enemy of the good.

"For, despite this concern, I support this bill for multiple reasons.

"First, as your Finance Chairman, I offer that the financial impact of civil unions on our state will be minimal. In May 2010, the University of Hawaii Economic Research Organization published an analysis of the financial impact of civil unions entitled "The Impact of Civil Unions on Hawaii's Economy and Government." To summarize their work, implementing civil unions in Hawaii will have minimal administrative costs and will provide a minimal boost both in taxes and in visitor arrivals. Similarly, in June 2010, UCLA School of Law's Williams Institute published a study that stated that if civil unions are passed, then over four years, Hawaii will see a revenue boost of between \$22 and \$49.8 million dollars. Therefore, from a financial standpoint, there is no reason to oppose civil unions.

"The states that have previously implemented civil unions have reported a seamless and smooth transition; there is no reason to expect that Hawaii will face any unique issues from this implementation.

"Second, the question of civil unions has most often been spoken of in terms of one word: equality. The Declaration of Independence, the founding document of our country, states the words that remain at our nation's core of values:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these rights are Life, Liberty, and the pursuit of Happiness.

"Our nation was founded on these truths. Today, we are taking a step towards that equality that our founding fathers dreamed of for us. We are

affirming that all of us, no matter our sexual orientation, are created equal, and are endowed with those same rights -- including the right to the pursuit of happiness.

"Same-sex couples who seek civil unions are pursuing happiness, pursuing lifetime commitments that are recognized by the government which seeks to protect and represent all of its citizens. They are simply seeking access to the stability and validation which opposite-sex couples have the legal right to solely by virtue of their sexual orientation. Same-sex couples want that which we want -- a validated, monogamous relationship between two persons based upon mutual respect, understanding, devotion, and unconditional love.

"For these aforementioned reasons, I stand in support of this measure, and, with wholehearted endorsement of the constitutional principles of equal protection embedded therein, cast my singular vote. I do so with the knowledge that my decision this day will be judged by those here and those to come. I do so mindful of grace and love and with great "fear and trembling" of my own humanity and shortcomings.

"Thank you, Mr. Speaker, for this opportunity to add these written comments."

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

"Mr. Speaker, I rise in opposition to this measure. I want to first recognize the architect of this measure. This person is the genesis of this bill. It's our Majority Leader. Complete respect. I'm honored to be here, notwithstanding my vote of no.

"I want to share with the Members a quote. 'The arc of history is long, and once in a while you get to bend it correctly, and today we bent it in the right direction towards justice.' This was our Majority Leader on April 30, 2010. Some of us who had voted no on a civil unions measure have been called bigots and haters. Mr. Speaker, myself as well as many others who may vote no on this measure, we're not bigots or haters. We too have family and friends who would be considered or recognize in a GLBT segment of our community. They're our people too, Mr. Speaker. We have no hate or disdain for our people, for the people of Hawaii.

"My no vote represents my steadfast commitment and understanding of our God. I believe I'm stating in His word, and I mean no disrespect to any other religion or faith-based organization.

"Finally, Mr. Speaker, after this measure becomes law, I respectfully ask that our churches, our church members, and our members of the GLBT work together, united for the betterment of our community, for the betterment of our communities and our State. I ask that we end all the rhetoric and display restraint and love to everyone. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, in many ways I believe marriage should be between a man and a woman, but at the same time government must recognize a relationship between two consenting adults. And contrary to what many legislators believe, I am not gay, but I have a lot of gay friends. I may live in the gayest district. I mean, not gay yet.

"So just in closing, Mr. Speaker, I'm supporting this. While I do have some issues with the legislation, I'm in favor of it because I believe that the legislators must show that government is fair, and legislators must emulate what they believe government should be. Not only his or her personal belief."

Representative M. Lee rose 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 SB 232 HD1, establishing Civil Unions in the State of Hawaii.

"We have heard from several Members who spoke eloquently on the significance of this day. I vote yes for many of the reasons expressed by my colleagues, but also simply because I believe that supporting stable and loving relationships in our community is the right thing to do. Our community will be stronger for this decision.

"There has been much emotion surrounding the passage of the measure, and I sincerely respect the opinion of those in opposition. However, I note the atmosphere during today's passage to be considerably more conciliatory than in the past. I hope this is a sign that all sides are learning to be more tolerant of our differences.

"Attitudes are changing. Many religious groups support civil unions, and in the 14 years I have been in the Legislature, I have never received as many thank you letters after a vote.

"My four grown children are very proud of my vote, and this makes me feel I raised them to be thinking persons of character. I watched a PBS special called, *Anyone and Everyone*, which told of the anguish of parents who upon being told their child was gay, painfully learned the lessons of acceptance, becoming strong supporters of their children.

"One of the mothers, a strong Mormon stated: "If I make any decision, I am going to make it on the side of love."

"I agree."

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:

"Throughout the 1990s, our community engaged in an emotional, decade-long debate over the legalization of same-sex marriage. The Legislature, for its part, had amended HRS§572-1 to clarify that marriage *"shall be only between a man and a woman[.]"* The Legislature also passed a Reciprocal Beneficiary law where it expressly found that *"the people of Hawaii choose to preserve the tradition of marriage as a unique social institution based upon the committed union of one man and one woman."*

"Ultimately, the decision was put to the public in the form of a constitutional amendment. On November 3, 1998, the people of Hawai'i overwhelmingly made their voice clear on this matter and decided that "the Legislature shall have the power to reserve marriage to opposite-sex couples." Hi. Const. 1-23.

"In July of 1997, the Legislature enacted the Reciprocal Beneficiaries law (Act 383) providing reciprocal beneficiaries with hospital visitation, insurance benefits and property and inheritance rights. This bill is unnecessary.

"When a controversial law such as SB 232 comes to this Body we must look to the people of Hawaii for guidance and take into account what they have to say. To find out what the people of Hawaii have to say on SB 232 we need not look any further than their vote in 1998 on this very same issue, where an overwhelming 70 percent of Hawaii's voters voted in favor of traditional marriage."

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

Representative B. Oshiro's written remarks are as follows:

"Mr. Speaker – I rise in strong support of SB 232, SD, HD 1.

"What a difference a year makes after the roller coaster ride that carried this issue from exhilarating highs to stomach churning drops. We now stand on the precipice of another peak.

"In Greek mythology, Sisyphus was condemned to repeat forever, the same meaningless task of pushing a boulder up a mountain, only to see it roll down again.

"The myth can easily be distinguished by the fact that the passage of the bill before us is not "meaningless." Punishing at times -- yes and even torment having to enduring theocratic proselytizing and dogma. But hardly, "meaningless."

"For the struggle and fight has help to galvanize and bolster those in the battle to see done what we believe is right, is just, is fair.

"And, it is my hope that we need not live through such heartbreaking and gut-wrenching endeavors again. That instead, we shall not be subjugated to re-living the task for pushing this enormous rock up the hill, of trying to re-invent, re-introduce, repeat over and over again, merely to see it roll back down. Because when it fails, there is no shattering or booming crash as the rock falls back down. Instead, there are merely quiet tears of sadness, gossamer breaths that break, that disintegrate before our very eyes, dissipating like ribbons of smoke.

"But I hope that today, instead, we shall see the rock finally break that tipping point, overcome that pinpoint zenith that has long alluded us and see the rock go over the edge to the other side. What awaits us all after that point -- be it another hill, another struggle and another battle remains to be seen.

"The French philosopher Albert Camus analogized Sisyphus and the absurd-ism of human existence. He imagines that truly tragic moment, when the hero finally becomes consciously aware of his wretched condition. And once Sisyphus acknowledges the futility of his task and the certainty of his fate, he is free to realize the absurdity of his situation and reach a state where "one must imagine Sisyphus happy."

"But for all of us who have long awaited this day, happiness does not come from the recognition of absurdism and futility. Happiness comes by embracing the struggle that is part of the human condition. Happiness comes from that single step, large or small, taken in the advancement of true liberty and equality.

"It has been a long pursuit of happiness promised by the declaration of Independence because we seek not just to have it written in words, but to have it realized and effectuated in our daily lives.

"Let that long pursuit and chase come to an end, at least for today.

"Let us have that day where we can mark in our calendar the overdue respite that has tired many for generations. Let today be a day where we all have that day of being created equally.

"And let today be that day where we move ever closer to having justice for all."

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

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

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

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

Representative Fontaine's written remarks are as follows:

"Marriage is a union between a man and a woman. SB232 SD1 HD1 grants the "same rights, benefits, protections, and responsibilities under law . . . pursuant to chapter 572 [marriage]." It is my view that SB232 SD1 HD1, which grants civil unions, is simply same sex marriage by another name.

"The LGBT community has stated that their future goal is to obtain same sex marriage. The passage of civil unions legislation is simply one step in the direction towards same sex marriage.

"As a society, it is important to also ask: How will the children be affected by civil unions? Is this the direction that we want to go as a society? The legalization of civil unions will clearly be an assault on the traditional family. The family model will no longer be father, mother, and children.

"Finally, this new civil unions legislation is not limited to homosexual couples; it is open to heterosexual couples as well. Heterosexual couples that choose civil unions instead of marriage are in danger of taking marriage less seriously. Civil unions for heterosexual couples are simply *Marriage Lite*."

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

The motion was put to vote by the Chair and carried, and S.B. No. 232, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Aquino, Awana, Chang, Ching, Choy, Cullen, Fontaine, Har, Johanson, Manahan, Mizuno, Pine, Riviere, Souki, Takai, Tokioka, Tsuji, Ward and Yamane voting no, and with Representative Cabanilla being excused.

At 1:39 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 232, SD 1, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 38 and 39) and concurrent resolutions (H.C.R. Nos. 44 through 46) were referred to Printing and further action was deferred:

H.R. No. 38, 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 jointly offered by Representatives Cabanilla and Mizuno.

H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY RELATING TO SAFETY IMPROVEMENTS ON ROOSEVELT BRIDGE," was offered by Representative Yamane.

H.C.R. No. 44, 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 jointly offered by Representatives Cabanilla and Mizuno.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY RELATING TO SAFETY IMPROVEMENTS ON ROOSEVELT BRIDGE," was offered by Representative Yamane.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO ADOPT POLICIES THAT REDUCE THE HARM CAUSED BY THE SALE AND DISPLAY OF TOBACCO," was jointly offered by Representatives Yamane and Morikawa.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. I just did want to remind folks that, in support of diversified ag, it is chocolate month. And Waialua Estate will be having their tours of the cacao orchard from 9:30 to 11:00 tomorrow, as well as Kahala Mall in front of Whole Foods. They will be having all sorts of exhibits and it's proceeded by a Facebook contest. They will be at Kahala Mall from noon to 4:00. And Windward Mall is having a special 'get a free chocolate recipe,' sustainable agricultural crops, education and farmer's market. Good opportunity for people to invest in Hawaii and get their loved ones some Valentine's Day gifts. Thank you."

Representative Ward: "Mr. Speaker, I have a birthday announcement. This weekend is Abe Lincoln's birthday. Thank you."

Speaker Say: "Members of the House, for those who are on the Finance Committee, your 1:30 hearing will convene at 1:45."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
34	Committee on Education, then to the Committee on Finance
35	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
36	Committee on Water, Land, & Ocean Resources
37	Committee on Transportation
38	Committee on Human Services, then to the Committee on Finance
39	Committee on Transportation, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
39	Committee on Education, then to the Committee on Finance
40	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
41	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
42	Committee on Water, Land, & Ocean Resources
43	Committee on Transportation

44	Committee on Human Services, then to the Committee on Finance
45	Committee on Transportation, then to the Committee on Finance
46	Committee on Human Services, then to the Committee on Finance
<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
101, SD1	Committee on Hawaiian Affairs, then to the Committee on Health, then to the Committee on Consumer Protection & Commerce
244	Committee on Higher Education, then to the Committee on Finance
1171	Committee on Education, then to the Committee on Finance

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>
575	Committee on Finance
667	Committee on Economic Revitalization & Business, then to the Committee on Finance
1200	Committee on Judiciary
1267	Committee on Finance
1483	Committee on Hawaiian Affairs, then to the Committee on Finance

ADJOURNMENT

At 1:40 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, February 14, 2011. (Representatives Cabanilla, Morikawa and M. Oshiro were excused.)

SEVENTEENTH DAY

Monday, February 14, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:11 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Souki and Thielen, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 127 through 129) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 127, dated January 18, 2011, transmitting the Hawaii Ocean Resources Management Plan 2010 Annual Report, prepared by the Department of Business, Economic Development and Tourism, Coastal Zone Management Program, pursuant to HCR 137, SLH 2005.

Gov. Msg. No. 128, dated January 24, 2011, transmitting the Annual Report on the Status of the Office of Health Care Assurance Special Fund, prepared by the Department of Health pursuant to Section 321-1.4, HRS.

Gov. Msg. No. 129, dated January 27, 2011, transmitting a Report on the Statewide Children's Mental Health Services Plan, pursuant to Section 321-175, HRS, and the Biennial Review of Progress Made on the Child and Adolescent Mental Health Division's Four-Year Strategic Plan, pursuant to Section 321-176, HRS, prepared by the Department of Health, Child and Adolescent Mental Health Division.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 10 through 14) were received and announced by the Clerk:

Sen. Com. No. 10, transmitting S.B. No. 656, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 11, transmitting S.B. No. 1281, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 12, transmitting S.B. No. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 13, transmitting S.B. No. 1288, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 14, transmitting S.B. No. 1386, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on February 11, 2011.

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

S.B. No. 656, SD 1
S.B. No. 1281, SD 1

S.B. No. 1286, SD 1
S.B. No. 1288, SD 1
S.B. No. 1386, SD 1

INTRODUCTIONS

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

Representative Luke introduced students from the Pacific Buddhist Academy along with administrators, Mr. Pieper Toyama, Head of School; Mr. Josh Morse, Assistant Head of School; and Mr. Flynn Corson, Dean of Students.

ORDER OF THE DAY

At 12:16 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 158, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 158, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I rise in opposition to this bill. Essentially, if you're a passenger in an uninsured vehicle, and you may not even know that the vehicle is uninsured, and somebody else causes that accident. You're not in the car of the responsible driver, but another vehicle is responsible for the accident. This will take away your ability, as a passenger, to sue that driver for injuries. This will severely curtail that ability.

"So essentially you would have to verify every time you get into a car that the driver has insurance and has to show you his insurance card. It's the same situation if you happen to borrow somebody's car and not know that it is uninsured, and you get into a wreck. Again, it takes away your ability so that's why I object to this measure."

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

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

Representative Ching 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. 158, entitled: "A BILL FOR AN ACT RELATING TO UNINSURED MOTOR VEHICLES," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representative Fontaine voting no, and with Representative Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 623, 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. 623, 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 with reservations, stating:

"I just have some reservations on Stand. Com. Rep. No. 239. Just some reservations. As many of the Members know, I like to be tough on crime. So when we're tougher on crime, I'm usually in favor of that. But I just have some concerns about this one. That you could spend up to 30 days in jail for texting while driving. That might be a little too stiff while we're still in an education process of getting our drivers to not do that."

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

"Yes, Mr. Speaker. I also stand with reservations and have comments. The problem with this measure is that if you happen to be texting and you kill someone while driving, it makes it a Class B felony. However, if you simply just kill somebody with your vehicle, it's a Class C felony."

"So this measure actually conflicts with the negligent homicide statute currently on the books. And it would only be for texting to be Class B. So if you were putting on your makeup and you crashed and kill someone, it would still be a Class C felony. It basically carves out only people who are texting and making the penalty the more severe than the crime that is currently on the books."

Representative Ching 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. 623, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OPERATION OF MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 916, 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. 916, 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 with reservations, stating:

"Yes, Mr. Speaker. I'm standing with reservations on this measure as well. Presently the cost for administering the handicap parking program is about \$500,000 per year. By tacking on a dollar, it is estimated that we will raise almost a million dollars. However that money will be placed into a special fund, and that will increase the cost of administering the program by \$250,000. This was all part of the testimony at Committee."

"So we're increasing the cost to administer the program and ending up with an excess of \$250,000, which will accumulate over years, and then afford the opportunity for the Legislature to then go and raid that money at a future date. So I have my reservations because of those reasons."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 916, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 1493, 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. 1493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 245, 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. 245, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 1069, 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. 1069, HD 1, pass Second Reading and 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, 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. 1069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 563, 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. 563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 566, 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. 566, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you. Reservations and a comment, please. Thank you. I understand that we have some difficult financial challenges this year, and the purpose for this bill is to help balance the budget. I am however very concerned that it would effectively cut back the tax credits for a very important and growing industry, the solar power industry. So the tax credits would be limited to \$7 million. That will send again, shudders and shockwaves through the industry, and I think that would be very bad for this State in many ways. But I understand it is going on to Finance, so reservations, please."

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

"Mr. Speaker, I rise in opposition to this bill. Mr. Speaker, we are the world leaders in renewable energy. We are the ones that people look to as a way of promoting and using, and harnessing the sun, the waves, the ocean, etc., etc.

"But this bill is a real step backwards. It turns us from world leaders into wimps, quite frankly. If we're going to cut it by \$7 million or 50%, let's look back at the last three decades. We had this in place. We only got 25% solar on our roofs. Even with the incentives in place we've only been able to do about 25%. In the last six to twelve months, eighteen months, we've soared in terms of job creation, and in terms of getting solar and photovoltaic on our roofs.

"Why we would want to do this at this time? To me it's cutting your nose to spite your face. Penny wise, pound foolish. To save a few million dollars, we take world leadership and set it aside. We need to incentivize. We need to increase. Even with the bill that hasn't been heard yet, the PACE Bill, to get a bond funding so people can get solar on their roof without even having to put the money up front.

"So, Mr. Speaker, this is really a bad bill. We should be increasing the ceiling instead of decreasing it. And quite frankly, this is the first bill that is a job killer bill for the 2011 Session."

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

"Thank you, in support. We are looking at the HD 1, and not the original bill. It doesn't have the cap. It's a good bill. It's going to Finance. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representative Thielen being excused.

Representatives Brower and McKelvey, for the Committee on Tourism and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 647, 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. 647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 721, 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. 721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER YOUTH," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 1405, 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. 1405, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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. 1405, entitled: "A BILL FOR

AN ACT RELATING TO PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 1431, 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. 1431, pass Second Reading and be referred to the Committee on Finance, 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:

"The Kahala neighborhood is under siege. For the past 5 or 6 years, one incredibly wealthy individual has purchased over 2 dozen properties and had badly neglected them. Now he is talking about creating a museum in this single-family neighborhood.

"Residents and the City Department of Planning & Permitting have been vigilant in citing this individual over 50 times. When it comes time to pay up, the City Corporation Counsel has let this owner – and several others – off the hook by paying only 15 cents on the dollar. So the last time, he only had to pay \$15,000. Recently, after community admonitions that the City government could use the money, Corp Counsel settled for 25 cents on the dollar – or \$25,000.

"HB 1431, Relating to Covenants, asks the City to enforce the Bishop Estate covenants adopted by Kahala residents after they purchased the lease fee interests. They are stricter than current City ordinances and primarily cover maintenance, setbacks, and use of land. These covenants may help the City better police the neighborhood.

"Kahala Avenue is a well-travelled boulevard used by residents and tourists alike. Long-time residents are sad to see the area desecrated and demolished. Please vote for HB 1431 to allow the City to enforce the old Bishop Estate Covenants."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1431, entitled: "A BILL FOR AN ACT RELATING TO COVENANTS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 453, 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. 453, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Thielen was excused.)

THIRD READING

H.B. No. 1077, HD 2:

Representative B. Oshiro moved that H.B. No. 1077, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Yes, in opposition. I apologize for voting no so early in the Session. I was hoping to work with this bill a little bit more, but it has gone through the House rather quickly and so I'm going to go by what my constituents who own businesses and have employees have told me.

"What has happened in the last year is for some of the businesses in my district, they've gone from an average of maybe paying \$200 to \$300 for the unemployment insurance tax, to now paying \$640 per employee. In July that will go up to an average of \$900 an employee. So that's a huge jump from just about a year and a half, go from \$200 to \$300 to about \$900 to pay for an employee. For a small business that's a lot.

"What this bill does now is it raises the Employment and Training Fund. It may seem like it's small because it's \$6 an employee, but when we add all these things together, plus the increased cost in electricity and the economy the way it is, and they're cutting back already, it just seems like everything is like a little paper cut and this is the final little paper cut that's going to really hurt the businesses in my community.

"They do understand that this Fund does need to be replenished, however we're increasing this to pay for interest that is going to be paid to the federal government for borrowing from them to help this fund.

"However, I guess I have a lot of trust in President Obama. Yes, believe it or not, I do. He has pledged to waive all the interest that would have been charged to the states for this very reason that we're raising the \$6.

"So I was kind of hoping that this would take a little bit more time to get through the Legislature so we can see the President's budget, which I understand it is in the budget of the President. So I think this is just a little bit too premature for now."

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

"Mr. Speaker, I'm standing in support. I just wanted to point out and make sure it gets in the Journal that the way the bill was drafted, it adds a provision that if Title II interest payments are waived by federal law, interest payments collected by employers will be applied to the Employment and Training Fund assessments for 2012 and no further assessments will be collected in that year. And also that this bill is only applying to calendar year 2011. This is the way the bill is drafted. Thank you."

Representative Ward rose, stating:

"Mr. Speaker, would the Chair of Finance submit to a question?"

At 12:37 o'clock p.m. Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

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

"Mr. Speaker, I will be voting in favor of House Bill 1077, House Draft 2. And we have assurances that this bill is the increase on the Employment and Training Tax is only for one year. It's a very small tax, but we were concerned about the use of the word 'increments' in it that could be increased by one person, the Director, in increments of .01% and there was no cap on it.

"So that was our apprehension. We think the intent of it is to use this until the bill, the loan, is paid off. I think that people should be aware that this is a percentage of the Unemployment Insurance Tax. That tax went up quite high, and it will be close to a \$1,000 in the next year. This rises with the increase in percentage of the Unemployment Insurance Tax. So I just wanted to flag it out for employers to know that this is how this Employment and Training Tax will go up.

"So hopefully it is only for one year. Hopefully the federal government will forgive the interest, and then all we have to do is pay the principle. Thank you."

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

"Mr. Speaker, in support. Just to put everyone's minds at rest. Section 5 of the bill which is at the very end of the bill. This actually will take effect upon its approval, and shall apply retroactively to January 1, 2011, provided that on January 1, 2012 this Act will be repealed. So this is for only one year.

"The rates would have gone up much higher for Unemployment Insurance Taxes if this Body and the Legislature had not, and Governor had not signed last year, Act 2, which gave tax relief, employment tax relief for both 2010 and 2011, and the Chamber of Commerce supported the bill.

"In fact the Chamber of Commerce supported borrowing a lot more money which would require paying back a lot more interest. So I think this is a prudent thing to do since we do have to pay back the interest, and we can't pay it back with the Fund itself. Mahalo."

Representative Pine rose to respond, stating:

"I really appreciate the clarification and I feel a little bit more easy, but I'm still in opposition. I know it sounds really great, and I know that everyone worked really hard on this bill, and I appreciate the Chamber. But when I hear from the small businesses in my community, one business has pretty much had to lay off all their employees already, and it's down to the son and the daughter and the husband left as employees working for minimum wage and so they, I know, will not be for this."

The motion was put to vote by the Chair and carried, and H.B. No. 1077, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Thielen being excused.

At 12:43 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1077, HD 2

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 40 and 41) and concurrent resolutions (H.C.R. Nos. 47 and 48) were referred to Printing and further action was deferred:

H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING THAT ALL EATING ESTABLISHMENTS AT THE UNIVERSITY OF HAWAII-MANOA CAMPUS BE REQUIRED TO ACCEPT STUDENT MEAL CARDS," was offered by Representative Nishimoto.

H.R. No. 41, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES NAVY TO DESIGNATE A PORTION OF THE WAIPIO PENINSULA SOUTH OF WAIPAHU DEPOT ROAD AS A STATE PARK," was jointly offered by Representatives Cabanilla, Aquino, Pine and Cullen.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT ALL EATING ESTABLISHMENTS AT THE UNIVERSITY OF HAWAII-MANOA CAMPUS BE REQUIRED TO ACCEPT STUDENT MEAL CARDS," was offered by Representative Nishimoto.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO DESIGNATE A PORTION OF THE WAIPIO PENINSULA SOUTH OF WAIPAHU DEPOT ROAD AS A STATE PARK," was jointly offered by Representatives Cabanilla, Aquino, Pine and Cullen.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. As you know, it's a tradition for me to get up here and speak on Valentine's Day. And it's usually a tradition that I have chocolate on everyone's desk, although we were early this year, on February 1st. And we're hoping everyone will go into their own neighborhoods and patronize the small businesses around them.

"And I just wanted to add that Valentine's Day, as many may or may not know, actually is named after St. Valentine who was a clergyman who was executed for secretly marrying couples in ancient Rome. And so February 14, St. Valentine's Day was established in the year 496 by Pope Gelasius.

"But more importantly and maybe relevant for Hawaii is that, may I add, that there are thousands, over 2,000 manufacturing establishments producing chocolate in the US, with California leading the nation, with Hershey, Pennsylvania, due to Hershey of course, in second. The fact is, that \$14.4 billion will be spent on this day alone, over a billion. Only Hawaii can grow chocolate.

"And the reason the connection between chocolate and St. Valentine's Day is because it has been proven now medicinally, that it improves the serotonin levels in the mind and it makes people press on. Because the reality is that chocolate was actually never for children. Chocolate was reserved for the warrior. For the warrior, the priest, and the royalty because it helped people to press on in war.

"So with that, but with your wonderful loved ones, I hope you will go to your neighborhood wonderful confectionaries and if you see Hawaiian grown chocolate, invest in Hawaii. Mahalo."

Representative Aquino: "Thank you, Mr. Speaker. Mr. Speaker, this past weekend we celebrated the life of a very special individual. Barney Hajiro had been the nation's oldest Medal of Honor recipient and a resident of Waipahu. He was an Army Private who served with the famed, segregated Japanese American 100th Battalion and the 442nd Regimental Combat Team in World War II. Mr. Hajiro who had battled cancer, passed away January 21st at the age of 94.

"On March 1943, he volunteered to join the 442nd. He and many of his colleagues were decorated for the regiment's most celebrated operation known as the rescue of the Lost Battalion. Its 14,000 men earned 9,486 Purple Hearts, 8 Presidential Unit Citations and 52 Distinguished Service Crosses, the second highest individual honor in the military. Mr. Hajiro received three of those. His honors also include the British Military Medal, and the Legion of Honor, the highest decoration awarded to him by the French Government.

"In 2000, President Clinton presented Mr. Hajiro with the Medal of Honor, the highest military decoration awarded by the United States Government for his extraordinary devotion to duty. Mr. Barney Hajiro epitomized the Unit's brash motto: Go for Broke, and will forever be remembered for his ultimate act of bravery and sacrifice.

"Mr. Speaker, at the appropriate time, I would like to request a moment of silence to honor and acknowledge Mr. Hajiro. Thank you, very much."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Mr. Barney Hajiro.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.

Referred to:

- 40 Committee on Higher Education, then to the Committee on Finance
- 41 Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

H.C.R. Nos.

Referred to:

- 47 Committee on Higher Education, then to the Committee on Finance
- 48 Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

S.B. Nos.

Referred to:

- 656, SD1 Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
- 1281, SD1 Committee on Education, then to the Committee on Finance
- 1286, SD1 Committee on Finance
- 1288, SD1 Committee on Finance
- 1386, SD1 Committee on Higher Education, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

- 308, HD1 Committee on Judiciary
- 783 Committee on Finance
- 808 Committee on Finance
- 833 Committee on Transportation, then to the Committee on Housing, then to the Committee on Finance
- 904, HD1 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

ADJOURNMENT

At 12:48 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, Tuesday, February 15, 2011. (Representatives Cabanilla and Thielen were excused.)

EIGHTEENTH DAY

Tuesday, February 15, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:15 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 130 through 136) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 130, dated January 24, 2011, transmitting the TANF Program Report, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Act 162, Part 7, Section 159, SLH 2009.

Gov. Msg. No. 131, dated January 24, 2011, transmitting the TANF Financial Plan Report, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Act 162, Part 7, Section 156, SLH 2009.

Gov. Msg. No. 132, dated January 24, 2011, transmitting the Housing First Report, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Act 212, SLH 2010.

Gov. Msg. No. 133, dated January 24, 2011, transmitting the Assistance Allowance Report, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Section 346-54, HRS.

Gov. Msg. No. 134, dated January 24, 2011, transmitting the Medicaid Health Care Insurance Plan Contracts Report, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 103F-107, HRS.

Gov. Msg. No. 135, dated January 24, 2011, transmitting the Immunosuppressant Medication Report, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Act 92, Section 3, SLH 2007.

Gov. Msg. No. 136, dated January 24, 2011, transmitting the TANF Report, prepared by the Department of Human Services, Benefit, Employment, and Support Services Division, pursuant to Act 162, Part 7, Section 158, SLH 2009, and Section 346-51.5, HRS.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 15 through 20) were received and announced by the Clerk:

Sen. Com. No. 15, transmitting S.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TREASURY," which passed Third Reading in the Senate on February 14, 2011.

Sen. Com. No. 16, transmitting S.B. No. 20, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on February 14, 2011.

Sen. Com. No. 17, transmitting S.B. No. 163, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on February 14, 2011.

Sen. Com. No. 18, transmitting S.B. No. 1260, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE," which passed Third Reading in the Senate on February 14, 2011.

Sen. Com. No. 19, transmitting S.B. No. 1271, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC NOTICES FOR THE EXPENDITURE CEILING AND THE AWARDED OF GRANTS," which passed Third Reading in the Senate on February 14, 2011.

Sen. Com. No. 20, transmitting S.B. No. 1318, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," which passed Third Reading in the Senate on February 14, 2011.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representative Nishimoto was excused.)

S.B. No. 19
S.B. No. 20, SD 1
S.B. No. 163, SD 1
S.B. No. 1260, SD 1
S.B. No. 1271
S.B. No. 1318, SD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. Nos. 53) was received by the Clerk and was placed on file:

Dept. Com. No. 53, February 1, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for the FB 2011-2013 Executive Budget for the Departments of Human Services and Land and Natural Resources; BJ details for the FB 2011-2013 Executive Budget for these departments; current lease payments for the Departments of Accounting and General Services and Hawaiian Home Lands; and BJ details for all departments for Act 180, SLH 2010.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 251) recommending that H.B. No. 549, 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. 549, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Second Reading and was referred to the Committee on Finance.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 252) recommending that H.B. No. 257, 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. 257, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations on this measure. This is a campaign spending measure of which some of the provisions are good, some of it is probably not so good, particularly regarding some of the

retiring legislators who want to give money to others and buy tickets. It says you can buy a total of \$100 of a ticket, whereas before it was just the normal limits. I think that's a bit restrictive, particularly when you look at the 2010 elections.

"According to one side of the aisle, there was \$14 million spent; versus our side of the aisle, \$4 million. So 14 to 4 is quite a difference. As well as for State House races, for everybody in this House, it was \$2.1 for the Majority, and \$900,000 for the Minority. Having said that, when there's more retiring Members on the Majority I would think this would be a self-defeating measure. So, Mr. Speaker, with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 1070, 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. 1070, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES," passed Second Reading and was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 1303, 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. 1303, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 255) recommending that H.B. No. 754, 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. 754, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 256) recommending that H.B. No. 898, 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. 898, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING POLICY," passed Second Reading and was referred to the Committee on Finance.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 46, 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. 46, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Brower and McKelvey, for the Committee on Tourism and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 258) recommending that H.B. No. 1285, 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. 1285, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I wish to speak with some reservations on this measure. The reservation is that the intent of this bill here is that any excess money in the TAT be transferred to DBEDT, the tourism department. You cannot plan for your staff allocations and budget on something that may happen. They may have an excess of funds. They may not have an excess of funds.

"So what I'm trying to say is that this is a poor way to budget for a department, on a 'come,' that something may happen. So with this I have some reservations, and I hope that the Finance Committee will look at that. Thank you, very much."

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

Representative Thielen 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 Committees was adopted and H.B. No. 1285, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 259) recommending that H.B. No. 167, 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. 167, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I rise in opposition to this measure. Essentially what this bill will do is create 13 separate EUTF-type funds. It will pit collective bargaining units against each other based on what their insurance costs are. So I think we have to really look at this and look at how this is going to create more havoc and nightmare in the collective bargaining process. Thank you."

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

"Mr. Speaker, I also join in with Governor Abercrombie with serious reservations. No, he would probably go no on this, but it's where we've got to get the Board organized and not have a deadlock between employer and employees. And then to create, cloning, 13 times. Already the problem is not good policy and not the right direction. So I think this really needs to be vetted, understood, streamlined, and let good governance take over what otherwise is a flailing system right now for our employee's health. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations. Thank you. I think one of the things left out in discussion, but was noted thankfully in the

Committee Report is the potential impact to public sector employees and the potential for actual higher costs. And it's for those reasons that I rise with reservations because I'm not sure how this fundamental change to the governance structure of the EUTF is ultimately going to benefit public sector employees and their cost for health care. Thank you."

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

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

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

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

"Mr. Speaker, I am voting no on this measure on Second Reading just to point out that, yes, workers have rights and we make sure that those are observed. But this bill takes away a fundamental management right, and management has rights also. Thank you."

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

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

"Mr. Speaker, in support. I think it is a complicated issue, I'm not arguing with that. But I do think that there are actually potential savings to be had from having each bargaining unit bargain for the amount of money that the State or the counties would pay for the health care for various bargaining unit employees. What it would require is tough bargaining, but it doesn't necessarily mean that we'd spend more money. I think the record of the EUTF hasn't been all that great in terms of saving money.

"So it's a complicated issue. I'm not saying that this bill is perfect, because it's not. But I do think that it's an issue that we need to look at further, and that's the main reason that I recommended passing this out of the Labor Committee, which we did. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 167, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine and Marumoto voting no.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 779, 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. 779, entitled: "A BILL FOR AN ACT RELATING TO FRINGE BENEFIT CONTRIBUTIONS," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 1268, 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. 1268, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Finance.

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. 262) recommending

that H.B. No. 1076, 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. 1076, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 4, 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. 4, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, may I have a ruling on a potential conflict. I sit on the National Board as an ex officio member," 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. 4, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 264) recommending that H.B. No. 18, 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. 18, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

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

"Thank you, Mr. Speaker. I'm in favor of this particular measure. I thank the Transportation Committee for hearing it. I would like to have my remarks in favor submitted into the Journal. Thank you."

Representative Marumoto's written remarks are as follows:

"The Dangers of All-Terrain Vehicles By Representative Barbara Marumoto

Do you know there are three sizes of all-terrain vehicles: large, medium and small? The smallest designed for children as young as six years old!

According to the National Conference on State Legislatures, 16 million Americans ride ATVs (all terrain vehicles). With rapidly increasing sales and popularity of off-road vehicles and increased usage come even greater dangers to drivers and riders. Of special concern is the ever-present risk of injury to minors.

The Hawaii Legislature is considering HB18 which defines ATVs, and provides, "no minor [under 18 years of age] shall operate, ride, or be otherwise propelled on an all-terrain vehicle." The bill was heard by the House Transportation Committee and will move to the House Judiciary Committee for further hearing. But don't get me wrong. I think ATVs are a fun, recreational opportunity for residents, and tourists, alike, and they are helpful vehicles on farms and ranches.

However, the American Academy of Pediatrics has sounded an alarm about ATV dangers, particularly among children under 16 years of age. Other national and local medical organizations have also raised concerns about children's safety. Hawaii still doesn't have any laws regarding the use and safety of operating, riding, or being propelled on all-terrain vehicles.

Every year, tens of thousands of kids are severely injured or killed in ATV accidents, some are infants! This year's campaign for the national Concerned Families for ATV Safety is targeted to parents of adolescent ATV operators. Because the adult ATVs are heavy (up to 800 pounds), roll over easily, and really aren't meant to carry passengers: children and young adolescents shouldn't be on them. They lack the experience, training and judgment to handle the vehicles. The American Academy of Pediatrics has adopted formal policies recommending that children under 16 not drive ATVs. They also maintain that automobile driver's license or some additional certification on ATV use should be required, as the skill and judgment needed to operate an automobile is similar to handling and ATV.

The Hawaii record is shameful. Recently, a 16-year-old girl was killed while driving an ATV on the Big Island. Her 11-year-old sister escaped with minor injuries. Another passenger, a four-year-old sister, was in critical condition and flown to Queens Hospital. In January this year, a man was killed when he drove off a bridge and was pinned under the ATV in a stream. More Hawaii statistics: From 1991 to 2009, there were 16 fatalities related to ATV use. There was only one death prior to 2001, but at least one death each year since. Four of the victims were 17 years or younger, including two drivers, one passenger and one of unknown status.

Non-fatal injuries to ATV riders have also been increasing. According to the Queen's Trauma Registry, non-fatal injuries went from 2-5 injuries per year from 1998 to 2002 to 11-18 injuries per year from 2003-2008. About one-third (31%) of the patients were under the age of 18, and most (75%) of these minor-aged patients were not wearing a helmet at the time of the crash.

EMS personnel attended to 152 injured ATV riders from September 2006 through August 2008, including 39 (26%) who were under 18 years of age. Only 41% of the riders were wearing a helmet at the time of injury, and this proportion was lower (32%) among the minor-aged riders.

Nationally, from 1999 to 2001, there were 698 reported fatalities to youth ages 1-19 years from off-road vehicle crashes, says the CPSC. Off-road vehicles include ATVs, snowmobiles, and hovercraft. Central nervous system injuries accounted for 80 percent of fatalities in ATV-related crashes. Helmets may reduce risk of death by 42%.

Forty-one states allow use of ATVs on Public Lands, and of these Hawaii, Mississippi, Montana, Wyoming are the only states and the District of Columbia that do not have any form of Safety Laws pertaining to ATVs.

ATV accidents have the highest risk of hospitalization of 33 sports and activities in which children routinely participate, according to the CPSC (Consumer Protection Safety Commission). The risk of serious injury associated with driving ATVs is 61% greater than the next highest risk sport: football. Voluntary standards agreed to by the industry have not worked. Smaller, "youth" marketed off-road vehicles continue to be targeted to adolescents. The problems of operating them will only grow, as more young people ride them.

ATV ridership is growing in the State of Hawaii. Technically, people are not allowed to drive ATV's on roads as there is no ATV license, the vehicles are not registered and do not have safety checks, and no one pays weight fees on them, all of which are required to operate a vehicle on public roads. But they are everywhere--off-road, on public and private lands.

Regulating ATV use in Hawaii to safeguard minors will reduce risks and dangerous, injuries and deaths. I urge the State, Counties and individuals to support the movement to protect our children."

Representative Jordan 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. 18, entitled: "A BILL FOR AN ACT RELATING TO ALL-TERRAIN VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 30, 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. 30, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 266) recommending that H.B. No. 392, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and 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. 392, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 267) recommending that H.B. No. 393, 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. 393, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 268) recommending that H.B. No. 775, 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. 775, entitled: "A BILL FOR AN ACT RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 269) recommending that H.B. No. 1516, 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. 1516, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 270) recommending that H.B. No. 1531, 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. 1531, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I am voting no on this measure. Just briefly, I think that raising taxes is not the right thing to do in this economy. Thank you."

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

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

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

"I just wanted to note my reservations with a couple of comments. This bill, while well intended to help our Highway Fund, does raise the fuel tax for the next six years. And as the Representative from Ewa Beach, where we have one of the longest commutes in this State, or at least on this Island, this is really going to hurt my community very hard."

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

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

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

Representative Ward rose and asked that the Clerk record a no vote for him, 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."

Representative Marumoto 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. 1531, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Thielen, Ward and Wooley voting no.

Representatives Tsuji and Awana, for the Committee on Agriculture and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 271) recommending that H.B. No. 947, 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. 947, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance.

Representatives Tsuji and Chang, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 272) recommending that H.B. No. 1230, 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. 1230, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Tsuji and Chang, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 273) recommending that H.B. No. 1571, 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. 1571, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 Committees was adopted and H.B. No. 1571, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 274) recommending that H.B. No. 1276, 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. 1276, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Jordan 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. 1276, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," passed Second Reading and was referred to the Committee on Finance.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 275) recommending that H.B. No. 1346, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1346, HD 1, pass Second Reading and be referred to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

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

"Mr. Speaker, I rise with serious reservations. Mr. Speaker, this is the bill that says you can't have a TV bigger than a certain size. It may be good, but one of the dangers of being a legislator is that we usher in the 'nanny state,' where government will tell you everything you should do, eat, sleep, etc. If we say that your TV can only be a certain size, what about your air conditioner? What about people who have floodlights? What about those who have automatic sprinklers?"

"We talk about slippery slopes; where does this really end? There're some places in the US that limit your consumption of particular foods, or number of places that can be located in particular areas for particular food.

"I think America, when we began we were free. We were of our own rugged individualism. Clearly we cannot go back to that, but clearly we cannot cover ourselves with a version of European socialism where the state knows best. Not only to take the majority of your tax money, but to tell you what's good for you, what's good for your kids, what's good for everything that you have to make decisions about.

"This bill is the creeping 'nanny state' bill and I don't think it's a good policy, particularly because of the direction that it's heading us in. Thank you."

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

"Thank you, Mr. Speaker, I rise in support of this measure. I believe the previous speaker is misreading the bill. The bill states that if a television is above a certain size, it has to be an ENERGY STAR approved television. And primarily this is in the consumer's interest to make sure it's the most energy efficient type of model on the market. So I think he should read the section regarding television efficiency standards. Thank you."

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

"Yes, Mr. Speaker. In support, and I would like the words of the previous speaker as my own. Also, I do think this is worthy to continue the discussion because this really is an energy efficiency bill. We're trying to become sustainable, self-sustaining, and we want to get off fossil fuel. This really, I think, has good intentions, and that is ENERGY STAR televisions. Thank you."

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

"I just wanted to note my reservations. Still, we are making people buy certain things in a certain way. This State building, we're not energy efficient. Maybe instead of focusing so much on people's individual lives, we should first make our building the most energy efficient place in the State of Hawaii. And then when we're done with that, maybe if people are so inclined to do so, focus on people's individual lives if that is what they choose to do."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1346, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Second Reading and was referred to the Committee on Economic Revitalization & Business.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 276) recommending that H.B. No. 786, 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. 786, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I'm voting no on this measure. I'd like to just mention the City and County of Honolulu has stated that increasing the rate negatively affects all residents of the State as this is a pass-through cost, whether solid waste is disposed of by a private company or by a government entity. The City and County notes, this would require increasing rates and or taxes to support the higher rate. So just so people are aware, that's the consequences from this bill. Thank you."

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

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

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

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

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

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

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

"Thank you, Mr. Speaker. I rise in support. We're trying to find the nexus between the fees and the costs of doing business to the service that we provide in government. And really what this bill is doing is looking at the solid waste management, and making sure that that program and the maintenance of that program is actually paid for by the use of the program."

"So I think this again has really good intentions because it's really now, whatever is used, whoever uses it, it will be paid for by these fees. So I'm in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 786, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Fontaine, Marumoto, Riviere, Thielen and Ward voting no.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 277) recommending that H.B. No. 1068, 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. 1068, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, reluctantly, I'm in opposition. I just want to say that it's reluctant because I think the Chair and the Vice-Chair of this Committee have done really terrific work, especially the Chair over all these years and more recently the Vice-Chair. I don't know. I've never done it. But I'm reminded of the apocryphal story about if you supposedly drop a frog in a boiling pot of water, he'll jump out. But if you put him in a pot of cool water, and then warm up the water, he won't jump out and he'll die. Well that seems to me like the kind of the situation we're in with global warming."

"It's not the kind of issue that grabs you on one day. It comes on very slowly. And the more we put off trying to solve the problem it seems like the worse off we are. Thank you."

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

"Thank you, Speaker. I am a no vote also, because of the delay. I don't agree with that delay. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1068, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES," passed Second Reading and was referred to the Committee on Finance, with Representatives Rhoads and Thielen voting no.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 278) recommending that H.B. No. 1012, 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.B. No. 1012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," was referred to the Committee on Finance.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 279) recommending that H.B. No. 668, 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. 668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

VETERANS," passed Second Reading and was referred to the Committee on Finance.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 280) recommending that H.B. No. 551, 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. 551, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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 Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, please register a no vote, and just a quick comment. This bill would extend and authorize county liquor investigators to use electric guns or tasers. When we have the Honolulu Police Department and the American Civil Liberties Union both in opposition to this bill, I think this is something that we should take heed of. Thank you, Mr. Speaker."

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

"Yes, I'm also voting in opposition to this measure. When you look at the continuum of force, what police departments look at, this particular weapon falls under an intermediate force weapon, just below deadly force. So if you look at that continuum, the authorization to use that level of force has to be pretty high. It has to almost be life-threatening.

"So if the situation has already elevated itself to that level, the likelihood that it would then go forward to justify lethal force has that potential, and we're not giving them that option. We're only giving them the electric gun. So in that particular situation the liquor inspector should just leave the establishment and call the police for assistance rather than trying to take matters into his own hands.

"There's also the potential that the weapon could be taken away by another bar patron if a scuffle broke out, and then could be used against other bar patrons, etc., or used against the inspector as well. Thank you."

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

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

"Thank you, Mr. Speaker, in strong support. This bill came from the liquor commissioners, from the Neighbor Islands especially. And in situations on Kauai what has happened is these inspectors have to go out into the field where kids are having rave parties. They've been in situations where they've gotten beer bottles thrown at them. Cuts. Serious wounds. I know at one point the liquor commissions were asking for the use of guns when I was on the County Council. We thought that was a little too far. But they do need protection in these rural areas, and that's what this bill tries to address. So I just want to share that with the Members and ask for their support. Thank you, Mr. Speaker."

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

"With reservations, Mr. Speaker. Mr. Speaker, I'm not sure what training county liquor authority investigators have, and it would seem to me that that should be mandated in any legislation that goes forward. That before they can use these, that they go through thorough training. Thank you."

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

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

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

Representative Mizuno's written remarks are as follows:

"The purpose of this Act is to change the current law on who can possess an electric gun to include county liquor authority investigators. I read the testimony of investigators and believe that the use of an electric gun, by properly trained law enforcement investigators will serve as an added protection when facing deadly force in their line of work. Therefore, I believe this measure has merit and support the intent of the bill."

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"I stand with reservations. I think in the hands of an improperly trained person that this could result in a very untoward outcome, something like death. Thank you."

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

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

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

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

"Mr. Speaker, in support. I often hear Members in this Chamber talk about the right to bear arms and how that adds to the safety of people in society. Here we have a measure where we're going to have officials in some capacity with the City and County, having electric guns for their protection. And I just find it ironic how that argument plays out. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support and ask that the comments made by the Representative from Waikiki as well as the introducer of the bill, the Representative from Kauai, be entered into the Journal as if they were my own."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 551, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti and Fontaine voting no.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 281) recommending that H.B. No. 603, 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. 603, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 282) recommending that H.B. No. 314, 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. 314, HD 1, pass Second Reading and 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 Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Two points. One is that this is not the time to grow government. Number two, it's the time for fiscal responsibility, and I think this is not in that venue. Thank you."

Representative Pine 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. 314, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 283) recommending that H.B. No. 1502, 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. 1502, HD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1502, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed Second Reading and was referred to the Committee on Finance.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 284) recommending that H.B. No. 277, 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. 277, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Jordan 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. 277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," passed Second Reading and was referred to the Committee on Finance.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 285) recommending that H.B. No. 1632, 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. 1632, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES," passed Second Reading and was referred to the Committee on Finance.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com.

Rep. No. 286) recommending that H.B. No. 596, 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. 596, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 287) recommending that H.B. No. 739, 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. 739, HD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was referred to the Committee on Finance.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 288) recommending that H.B. No. 1262, 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. 1262, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 289) recommending that H.B. No. 704, 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. 704, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

At 12:42 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

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

"I just have some reservations. I think there are some good intentions in making a misdemeanor out of bullying. But there were some complications in this bill and hopefully, the next Committee can clarify the language. Basically it makes bullying at home a misdemeanor offense. I think there are some Committee members that were a little concerned about sibling bullying. It could cross that line a little bit and it needs to be defined a little bit more."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY RELATIONS," passed Second Reading and was referred to the Committee on Judiciary.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 290) recommending that H.B. No. 761, 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. 761, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 291) recommending that H.B. No. 411, 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. 411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME HEALTH AGENCIES," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 905, 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. 905, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 293) recommending that H.B. No. 1162, 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 Committee was adopted and H.B. No. 1162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 294) recommending that H.B. No. 952, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 952, 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."

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

Representative Ching 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. 952, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," was referred to the Committee on Finance.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 295) recommending that H.B. No. 976, 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. 976, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 296) recommending that H.B. No. 159, 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. 159, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"May I have a ruling on a potential conflict, Mr. Speaker? In my private practice I represent a couple of charter schools," 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. 159, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 297) recommending that H.B. No. 945, 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. 945, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 298) recommending that H.B. No. 1035, 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. 1035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM," passed Second Reading and was referred to the Committee on Finance.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 299) recommending that H.B. No. 1005, 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.B. No. 1005, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was referred to the Committee on Finance.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 300) recommending that H.B. No. 1189, 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. 1189, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL SELECTION COMMISSION," passed Second Reading and was referred to the Committee on Finance.

ANNOUNCEMENTS

Representative Cabanilla: "Mr. Speaker, I just would like to remind the members of the Filipino Caucus that we have a 'meet and greet' for the Consul General of the Philippines in Room 437, at 2:30 this afternoon. So Members, if you can come and say hello to him, I would appreciate it. Thank you, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
19	Committee on Finance
20, SD1	Committee on Finance
163, SD1	Committee on Finance
1260, SD1	Committee on Finance
1271	Committee on Finance
1318, SD1	Committee on Finance

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>
1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
196	Committee on Judiciary, then to the Committee on Finance

ADJOURNMENT

At 12:48 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, Wednesday, February 16, 2011. (Representative M. Oshiro was excused.)

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.)

TWENTIETH DAY

Thursday, February 17, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Chong, M. Oshiro and Wooley, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Days were approved. (Representatives Chong, M. Oshiro and Wooley were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 141 through 150) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 141, dated December 29, 2010, transmitting the Hawaii State Public Library System's Annual Report for fiscal year ending June 30, 2010, prepared by the Department of Education pursuant to Act 129, SLH 1989, and Act 327, SLH 1993 as amended by Act 45, SLH 1999.

Gov. Msg. No. 142, dated January 18, 2011, transmitting the Classification/Compensation Appeals Board Report, prepared by the Department of Education pursuant to Section 302A-620, HRS.

Gov. Msg. No. 143, dated January 31, 2011, transmitting the FY2010 Annual Report, prepared by the High Technology Innovation Corporation pursuant to Section 206M-56, HRS.

Gov. Msg. No. 144, dated January 31, 2011, transmitting the FY2010 Annual Report, prepared by the High Technology Development Corporation pursuant to Section 206M-3.5, HRS.

Gov. Msg. No. 145, dated January 26, 2011, transmitting a letter to fulfill reporting requirements of Act 213, SLH 2008, regarding expenditures of qualified rehabilitation programs and related activities.

Gov. Msg. No. 146, dated February 3, 2011, transmitting the 2010 Annual Report of the State of Hawaii Community-Based Economic Development Technical and Financial Assistance Program, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201-84, HRS.

Gov. Msg. No. 147, dated February 3, 2011, transmitting the Medicaid Lien Report, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 346-29.5, HRS.

Gov. Msg. No. 148, dated February 3, 2011, transmitting the Psychotropic Medication Report, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 345-59.9, HRS, and Act 205, SLH 2010.

Gov. Msg. No. 149, dated February 3, 2011, transmitting a report on the two-year project allowing two private pay individuals in a community care foster family home, prepared by the Department of Human Services, Social Services Division, pursuant to Act 13, SLH 2009.

Gov. Msg. No. 150, dated February 3, 2011, transmitting the State Pharmacy Assistance Program (SPAP) Report, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 346-342, HRS.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 21 through 26) were received and announced by the Clerk:

Sen. Com. No. 21, transmitting S.B. No. 36, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on February 16, 2011.

Sen. Com. No. 22, transmitting S.B. No. 170, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," which passed Third Reading in the Senate on February 16, 2011.

Sen. Com. No. 23, transmitting S.B. No. 250, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON SALARIES," which passed Third Reading in the Senate on February 16, 2011.

Sen. Com. No. 24, transmitting S.B. No. 729, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on February 16, 2011.

Sen. Com. No. 25, transmitting S.B. No. 1213, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," which passed Third Reading in the Senate on February 16, 2011.

Sen. Com. No. 26, transmitting S.B. No. 1309, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE LIEUTENANT GOVERNOR SPECIAL FUND," which passed Third Reading in the Senate on February 16, 2011.

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

S.B. No. 36, SD 1
S.B. No. 170, SD 1
S.B. No. 250, SD 1
S.B. No. 729, SD 1
S.B. No. 1213, SD 1
S.B. No. 1309, SD 1

The following communication from the Senate (Sen. Com. No. 27) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 27, dated February 16, 2011, informing the House that the Senate has on February 14, 2011, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 232, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS."

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 54 through 58) were received by the Clerk and were placed on file:

Dept. Com. No. 54, dated January 27, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting a letter on Acts 227 and 120, SLH 2008.

Dept. Com. No. 55, dated January 24, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting Peer Review of the State of Hawaii Office of the Auditor, conducted by the National Conference State Legislatures, pursuant to generally accepted government auditing standards.

Dept. Com. No. 56, dated January 26, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the FY 10 Transfers from Non-General Funds to General Funds report pursuant to Section 37-46, HRS.

Dept. Com. No. 57, dated January 26, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the FY 10 Special Fund Assessments for Central Services report pursuant to Section 36-27, and the FY 10 Departmental Administrative Expenses report pursuant to Section 36-30, HRS.

Dept. Com. No. 58, dated February 10, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for the FB 2011-13 Executive Budget for the Departments of Defense and Education and the Hawaii State Public Library System.

INTRODUCTIONS

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

Representative Hashem introduced the 3rd grade students of Hahaione Elementary School. They were accompanied by their teachers, Mrs. Sally Griffith, Mrs. Joan Ogata and Mrs. Colleen Kimura; and their chaperones, Ms. Karin Galliger, Ms. Alice Hsu, Mr. Spencer Kimura, Mr. Carl Lenander, Ms. Sharlina Leung and Ms. Karen Wedge.

Representative Takai introduced Dr. John Deegan, Executive Director of the Military Impacted Schools Association.

Representative Tokioka, on behalf of the Kauai delegation, introduced Aikido Sensei, Mr. Wesley Shimokawa and his wife, Mrs. Marcia Shimokawa of Kauai.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 46) was announced by the Clerk and the following action taken:

H.R. No. 46, entitled: "HOUSE RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF MORIHEI UESHIBA'S VISIT TO HAWAII," was offered by Representative Souki.

Representative Souki moved that H.R. No. 46 be adopted, seconded by Representative Hashem.

Representative Souki congratulated the Aikido Celebration 2011 organization commemorating the 50th anniversary of Aikido founder, Mr. Morihei Ueshiba, Sensei's visit to Hawaii.

Representative Souki then introduced well-respected and long-time Aikido teachers and members of Aikikai in Hawaii who were seated on the Floor of the House:

Mr. Richard Hirao, Shihan;
Mr. Donald Moriyama, Shihan;
Dr. Mitsuo Adachi, Sensei; and
The late Robert Aoyagi, Shihan, who was represented by his wife, Mrs. Dora Aoyagi.

Representative Souki also introduced guests in the gallery:

Mr. Glenn Yoshida, Sensei, Chair of the Aikido Celebration 2011; and
Mr. Wesley Shimokawa, Sensei.

The motion was put to vote by the Chair and carried, and H.R. No. 46 was adopted, with Representatives Chong, Nakashima, Nishimoto and M. Oshiro being excused.

At 12:18 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representatives Morita and Tsuji, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 352) recommending that H.B. No. 1019, 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. 1019, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 353) recommending that H.B. No. 1281, 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. 1281, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 354) recommending that H.B. No. 1364, 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. 1364, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 355) recommending that H.B. No. 1520, 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. 1520, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Yes, may I have a ruling on a potential conflict, given my pending nomination to the Public Utilities Commission? Thank you."

The Chair responded, stating:

"You're excused from this vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1520, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer

Protection & Commerce, with Representatives Chong, Morita and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 356) recommending that H.B. No. 262, 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. 262, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 357) recommending that H.B. No. 1408, 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. 1408, 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:

"I just wanted to note my reservations on Stand. Com. Rep. No. 357 and this tax increase. Thank you."

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

"Mr. Speaker, this is a tax increase and I have reservations also at this point. Preceding a no, of course."

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

Representative Marumoto 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. 1408, entitled: "A BILL FOR AN ACT RELATING TO A CONTROLLING INTEREST TRANSFER TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 358) recommending that H.B. No. 1322, 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. 1322, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 359) recommending that H.B. No. 1323, 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. 1323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 360) recommending that H.B. No. 1603, 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. 1603, 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 and Nakashima being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 361) recommending that H.B. No. 1142, 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. 1142, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I was just wondering if you can advise me as to whether I have a conflict or not. And this may apply, maybe for all of us. This bill discusses our personal retirements as legislators. Thank you."

The Chair responded, stating:

"No conflict. No conflict because we're all a part of a class as one."

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

"Yes, Mr. Speaker, I would like to register my reservations about this piece of legislation. Currently this bill would raise the retirement age to 55 for police officers. As we all know, this is a very highly stressful job. Currently, officers can serve 25 years and then retire regardless of age. I believe we should stick with that because of the stress, and the nature, and the burnout of the job. We should support our police officers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1142, 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 and Nakashima being excused.

Representatives Rhoads and Aquino, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 362) recommending that H.B. No. 1167, 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. 1167, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Rhoads and Aquino, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 363) recommending that H.B. No. 1406, 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. 1406, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 364) recommending that H.B. No. 1107, 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. 1107, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 365) recommending that H.B. No. 49, 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. 49, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 366) recommending that H.B. No. 681, 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. 681, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Rep. No. 366. May I have a ruling on a potential conflict, Mr. Speaker. I'm a member of the Hawaii Army National Guard," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I have the same request," 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. 681, entitled: "A BILL FOR AN ACT RELATING TO THE MILITARY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 367) recommending that H.B. No. 714, 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. 714, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 368) recommending that H.B. No. 608, HD 1, as amended in HD 2, 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. 608, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH,"

passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 369) recommending that H.B. No. 414, 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 Committee was adopted and H.B. No. 414, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chong and Nakashima being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 370) recommending that H.B. No. 903, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and 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. 903, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 371) recommending that H.B. No. 880, 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. 880, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, may I have a ruling on a potential conflict, given my pending nomination to the Public Utilities Commission. Thank you."

The Chair responded, stating:

"You are excused from this vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 880, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong, Morita and Nakashima being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 372) recommending that H.B. No. 1049, 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. 1049, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Aquino and Rhoads, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 373) recommending that H.B. No. 1109, 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. 1109, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"I would like to declare a potential conflict on Stand. Com. Report No. 373. My husband is an active military," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1109, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Aquino and Rhoads, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 374) recommending that H.B. No. 965, 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. 965, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 375) recommending that H.B. No. 251, 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. 251, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY ETHICS TRAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 376) recommending that H.B. No. 1004, 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. 1004, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 377) recommending that H.B. No. 828, 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. 828, 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 and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 378) recommending that H.B. No. 1011, 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. 1011, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second

Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 379) recommending that H.B. No. 100, 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. 100, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Rep. No. 379, voting by the Internet or electronic voting. I have some reservations. It's probably an idea whose time has come, whether the security of it is ready. Because it's going to go to Finance and we're going to get a more thorough vetting of it, I hope that this Body vets it well. It's probably the way we're going to do it in the future, but the way we do it is important.

"Someone told me the other day, 'Look, Bin Laden has been shooting emails around the world for decades.' For sure they've got some encryption that can't be broken. So if we do this properly, we probably can do it. But right now it's a matter of people registering people who may be dead, and other kinds of trickery that I'm not sure the system has actually put aside. So with reservations."

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

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

"Mr. Speaker, in strong support. Maybe I'm missing something, but when I read the bill, I don't see anything about the Internet on here. This is vote by mail, and the reason why I brought this measure before this Body is to address the very lethargic voting that has occurred in the Primaries.

"Mr. Speaker, as you know, it's on Saturdays. Days that our working community and our families have as their only time off. As you have seen by the results, we have such a low voter turnout. And if by making voting by mail can increase voter turnout in our democracy, I think that's a win. And not only that, but it gives people time to research the candidates and their positions, and make an informed choice. Of course, there's also a provision to have walk-in locations available on that day.

"But again, this is just to encourage our citizens to get out for this very important Primary Election vote which many of them, on Saturdays they have other obligations, and they don't show up to vote. So again, this is about increasing our participation in our democratic system and democracy. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Chang and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 380) recommending that H.B. No. 117, 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 Committees be adopted, and that H.B. No. 117, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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 Committees was adopted and H.B. No. 117, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 381) recommending that H.B. No. 496, 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. 496, entitled: "A BILL FOR AN ACT RELATING TO LAKE WILSON," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 382) recommending that H.B. No. 227, 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. 227, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 383) recommending that H.B. No. 578, 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. 578, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Riviere 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.B. No. 578, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FEEDING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 384) recommending that H.B. No. 1020, HD 1, as amended in HD 2, 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. 1020, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 385) recommending that H.B. No. 625, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 625, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of Standing Committee Report 385. I just wanted to note that I think this is a particularly creative solution that not only furthers education, but it also promotes efficient and effective land management and resource management. So I think it's a win on multiple levels. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 625, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 386) recommending that H.B. No. 561, 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. 561, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 387) recommending that H.B. No. 569, 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. 569, 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:

"Yes, in support with just some slight reservations on Stand. Com. Rep. No. 387. What this bill does is it basically changes a practice that was enacted within the Department of Human Services to help people to easily enroll in Medicaid. And basically it had an automatic enrollment. I can understand the reasoning for wanting to eliminate the automatic re-enrollment just in case people don't qualify anymore.

"But the reason why the Department had enacted the automatic enrollment is because they had found that one of the reasons people weren't signing up for their benefits is because of the complications that they may have had to enroll. And so that they found that a lot of people who were lower income are not getting the benefits that they qualify for and in the end, were paying more for medical care and emergency rooms for uninsured people or people who didn't have these benefits.

"And it could possibly be that in this economy, that those that no longer are eligible for this benefit is probably very, very small. But we may make it harder for those that do qualify to stay enrolled."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 569, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 388) recommending that H.B. No. 595, 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. 595, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 389) recommending that H.B. No. 718, 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. 718, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER YOUTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 390) recommending that H.B. No. 161, 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. 161, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES CONTRACTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 391) recommending that H.B. No. 497, 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. 497, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 734, HD 1, as amended in HD 2, 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. 734, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC OPPORTUNITY POVERTY REDUCTION TASK FORCE," was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 238, 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. 238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 394) recommending that H.B. No. 909, 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. 909, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 395) recommending that H.B.

No. 1006, 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. 1006, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 396) recommending that H.B. No. 1613, 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. 1613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 397) recommending that H.B. No. 1532, 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. 1532, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 398) recommending that H.B. No. 1133, 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. 1133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 399) recommending that H.B. No. 663, 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. 663, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chong and Nakashima being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 400) recommending that H.B. No. 198, 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. 198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 401) recommending that H.B. No. 824, 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. 824, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in favor of this measure, however I'd like to express some reservations on it. While this measure has the noble intent of reducing the unfunded liability of our Employees' Retirement System by sending GET money directly to the ERS, I don't know how much money this entails. I think if the Legislature wants to repay the ERS, we should do so by direct appropriations or some other means.

"I think it would negatively affect budget policy and reduce our budget flexibility. It may also inadvertently encourage further earmarking of our GET revenues.

"By not placing the money into the general fund first, we evade the General Fund Expenditure Ceiling. That's a constitutional ceiling that controls our spending and it keeps us from spending more than the rate of growth in our State economy. But because I agree with the need to reduce the unfunded liability, I am voting aye with reservations. Thank you."

Representative Pine 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. 824, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 402) recommending that H.B. No. 1034, 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. 1034, 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:

"Yes, Mr. Speaker. I'm in support with some strong reservations. Basically what this bill is asking us to do prior to us having a budget from the Governor, we're still waiting for that, and prior to our budget in the House being done, we're being asked for \$18 million to come out of this budget before we're able to really see the whole picture.

"And I understand the reasoning behind this. I'm just concerned that this may create a pattern in our inability to balance the State budget in the House of Representatives."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1034, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 403) recommending that H.B. No. 615, 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. 615, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I just want to request a ruling on a potential conflict. My wife is on the Board of Directors of Mental Health Kokua that gets contracts from the State," 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. 615, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 404) recommending that H.B. No. 275, 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 Committee was adopted and H.B. No. 275, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY BENEFIT MANAGEMENT COMPANIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chong and Nakashima being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 405) recommending that H.B. No. 866, 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. 866, 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 and Nakashima being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 406) recommending that H.B. No. 1552, 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 Committee was adopted and H.B. No. 1552, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chong and Nakashima being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 407) recommending that H.B. No. 1553, 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. 1553, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INVESTIGATION AND MITIGATION OF DAMAGE DONE BY THE COFFEE BERRY BORER," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 408) recommending that H.B. No. 1570, 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. 1570, 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 and Nakashima being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 409) recommending that H.B. No. 1475, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1475, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM TO SCHOOL MONTH," passed Second Reading and was referred to the Committee on Health, with Representatives Chong and Nakashima being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 410) recommending that H.B. No. 1016, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1016, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. Again, I just want to request a ruling on a potential conflict. My wife's firm represents Better Place Hawaii that is putting together a grid to charge electric vehicles," 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. 1016, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES," was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 411) recommending that H.B. No. 605, 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. 605, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 412) recommending that H.B. No. 1368, 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. 1368, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 413) recommending that H.B. No. 270, 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. 270, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization &

Business presented a report (Stand. Com. Rep. No. 414) recommending that H.B. No. 1584, 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. 1584, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO EXPLORE OPPORTUNITIES TO FOSTER INTERNATIONAL RELATIONSHIPS," passed Second Reading and was referred to the Committee on Finance, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 415) recommending that H.B. No. 593, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 416) recommending that H.B. No. 555, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 417) recommending that H.B. No. 298, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chong and Nakashima being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 418) recommending that H.B. No. 243, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chong and Nakashima being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 419) recommending that H.B. No. 827, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION,"

passed Second Reading and was placed on the calendar for Third Reading, with Representatives Chong and Nakashima being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 420) recommending that S.B. No. 8, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 420 on S.B. No. 8, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 8, SD 1, HD 2, were made available to the Members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 44 and 45) and concurrent resolutions (H.C.R. Nos. 51 through 53) were referred to Printing and further action was deferred:

H.R. No. 44, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE STATES' CONSIDERATION TO PROVIDE THAT CORPORATIONS ARE NOT PERSONS UNDER THE LAWS OF THE UNITED STATES OR ANY OF ITS JURISDICTIONAL SUBDIVISIONS," was offered by Representative Takumi.

H.R. No. 45, entitled: "HOUSE RESOLUTION REQUESTING THE STUDY AND ADOPTION OF A 95-DECIBEL LIMIT TO MEASURE MUFFLER AND VEHICULAR NOISE," was offered by Representative Brower.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE STATES' CONSIDERATION TO PROVIDE THAT CORPORATIONS ARE NOT PERSONS UNDER THE LAWS OF THE UNITED STATES OR ANY OF ITS JURISDICTIONAL SUBDIVISIONS," was offered by Representative Takumi.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STUDY AND ADOPTION OF A 95-DECIBEL LIMIT TO MEASURE MUFFLER AND VEHICULAR NOISE," was offered by Representative Brower.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO DEFER DECISION-MAKING ON THE CLOSURE OF PUUHALE AND KALIHI ELEMENTARY SCHOOLS UNTIL THE NEW MEMBERS OF THE BOARD OF EDUCATION ARE APPOINTED BY THE GOVERNOR AND SEATED," was jointly offered by Representatives Manahan and Mizuno.

ANNOUNCEMENTS

Speaker Say: "Members, please remember that today is the filing deadline for First Lateral. Please, file your Committee Reports for bills that have to move to their final Committees with the Chief Clerk's Office by 6 p.m. this evening.

"This is a note for all the Chairs who have outstanding bills in House Majority Staff Office or LRB. Please get them filed by 6 p.m. this evening. This is our internal deadline for bills going to the final Committee. If it doesn't make it by the 6 p.m. deadline, that particular measure is dead for the year. So I wanted to put the Chairs on notice. Get your bills in by 6 p.m. this evening."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
42	Jointly to the Committee on Energy & Environmental Protection and the Committee on Labor & Public Employment, then to the Committee on Finance
43	Committee on Higher Education, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
49	Jointly to the Committee on Energy & Environmental Protection and the Committee on Labor & Public Employment, then to the Committee on Finance
50	Committee on Higher Education, then to the Committee on Finance

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>
706	Committee on Finance
1221	Committee on Judiciary

ADJOURNMENT

At 12:41 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, Friday, February 18, 2011. (Representatives Chong and Nakashima were excused.)

TWENTY-FIRST DAY

Friday, February 18, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Chong, Herkes, Jordan, McKelvey and M. Oshiro, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 151 through 164) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 151, dated January 10, 2011, transmitting the 2010 Annual Report of the Office of Language Access, prepared by the Department of Labor and Industrial Relations pursuant to Act 290, SLH 2006.

Gov. Msg. No. 152, dated January 11, 2011, transmitting the Department of Land and Natural Resources' report Requiring All Departments And Agencies To Identify Their Goals, Objectives, And Policies, To Provide A Basis For Determining Priorities And Allocating Limited Public Funds And Human Resources, pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 153, dated January 13, 2011, transmitting the Annual Report on the Status of the Federal Reimbursement Maximization Special Funds, prepared by the Department of Public Safety pursuant to Section 353C-7(c), HRS.

Gov. Msg. No. 154, dated January 13, 2011, transmitting the Report on Services for Children of Incarcerated Parents, prepared by the Department of Public Safety pursuant to Act 240, SLH 2008.

Gov. Msg. No. 155, dated January 13, 2011, transmitting a report Requiring All Departments and Agencies to Identify Their Goals and Objectives, pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 156, dated January 13, 2011, transmitting a Report on Return of Out-of-State Inmates, prepared by the Department of Public Safety pursuant to Act 8, Section 7(c), First Special Session of 2007.

Gov. Msg. No. 157, dated January 13, 2011, transmitting a Report on Sentencing of Habitual Violent Felons, prepared by the Department of Public Safety pursuant to Act 81, SLH 2006.

Gov. Msg. No. 158, dated January 13, 2011, transmitting a Report on Sexual Assaults in Correctional Facilities, prepared by the Department of Public Safety pursuant to Act 194 (H.B. No. 2266), SLH 2010.

Gov. Msg. No. 159, dated January 13, 2011, transmitting a Report Relating to Cognitive Restructuring, prepared by the Department of Public Safety pursuant to Act 193 (H.B. No. 1818), SLH 2010.

Gov. Msg. No. 160, dated January 13, 2011, transmitting a Report on Gender-Responsive Community-Based Programs for Women, prepared by the Department of Public Safety pursuant to Section 367D-008, HRS.

Gov. Msg. No. 161, dated January 13, 2011, transmitting a Report on Inmates Mental Health Services at Oahu Community Correctional Center, Halawa Correctional Facility, and Women's Community Center, and on Mental Health Services for Committed Persons, prepared by the Department of Public Safety pursuant to Act 213 and Act 144, SLH 2007.

Gov. Msg. No. 162, dated January 13, 2011, transmitting the Report on the Narcotics Enforcement Division, prepared by the Department of Public Safety pursuant to Section 329-11, HRS.

Gov. Msg. No. 163, dated January 13, 2011, transmitting a Report on the Electronic Monitoring Pilot Program for Eligible Committed Persons, a Report on Three Additional Warrant Teams for FY 2011, a Report on Deputy Sheriff for Special Duty Assignments for FY 2010 and 2011, and a Report on Public Safety Employees Sick Leave Abuse and Overtime Costs-Reducing Costs, prepared by the Department of Public Safety pursuant to Act 162, Part III, Sections 44, 45, 46 and 47, SLH 2009.

Gov. Msg. No. 164, dated January 13, 2011, transmitting the Annual Report of Hawaii Correctional Industries, prepared by the Department of Public Safety pursuant to Section 354D-3.5, HRS.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 59 through 62) were received by the Clerk and were placed on file:

Dept. Com. No. 59, dated January 25, 2011, from Winfred Pong, VP, Administrative & Fiscal Affairs, Hawaii Tourism Authority, transmitting documents corresponding to items listed on the agenda for a public meeting of the Hawaii Tourism Authority Board of Directors on January 27, 2011, and a CEO Report.

Dept. Com. No. 60, dated January 19, 2011, from Bruce A. Coppa, State Comptroller, Department of Accounting and General Services, transmitting the Comptroller's Memorandum No. 2007-21 pertaining to procedures that should be followed in the event that there is an emergency that may occur after normal operating hours, on furlough days, weekends and holidays.

Dept. Com. No. 61, dated February 9, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting 25 analyses completed on special and revolving funds proposed in the current legislative session, conducted pursuant to Section 23-11, HRS.

Dept. Com. No. 62, dated January 7, 2011, from Gary Yubata, Chief of Police, County of Maui, transmitting a letter pursuant to Act 242, uniform Information Practices, stating that during calendar year 2010, no Police Officer was suspended and discharged for any of the following categories of misconduct: Malicious Use of Physical Force; Mistreatment of Prisoners; Use/Possession of Drugs and Narcotics; or Cowardice.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

At this time, the Chair announced:

"Members of the House, prior to proceeding on with Order of the Day, the Chair would like to ask for your indulgence and understanding. If you are going to vote no and if you have the time, please submit your written comments in opposition. That way we can try to accommodate our Neighbor Island colleagues who have a flight to catch this afternoon."

At 12:10 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 421) recommending that H.B. No. 101, 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. 101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 422) recommending that H.B. No. 325, 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.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 423) recommending that H.B. No. 358, 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. 358, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HYBRID BICYCLES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 424) recommending that H.B. No. 489, 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. 489, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 425) recommending that H.B. No. 506, 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. 506, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 426) recommending that H.B. No. 1240, 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. 1240, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 427) recommending that H.B. No. 1241, 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. 1241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to

the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 428) recommending that H.B. No. 331, 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. 331, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Belatti 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. 331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 429) recommending that H.B. No. 1622, 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. 1622, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 430) recommending that H.B. No. 1505, 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. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 431) recommending that H.B. No. 1486, 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. 1486, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 432) recommending that H.B. No. 785, 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. 785, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 785, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 433) recommending that H.B. No. 1164, 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. 1164, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

"Mr. Speaker, with reservations and just a short comment on Stand. Com. Rep. No. 433 which is something of concern to me just because it contemplates the sale of public lands. That's a step that would be something that is not warranted. Thank you, Mr. Speaker."

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

Representative Awana 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. 1164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 434) recommending that H.B. No. 1529, 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. 1529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 435) recommending that H.B. No. 848, 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. 848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 436) recommending that H.B. No. 847, 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. 847, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 437) recommending that H.B. No. 846, 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. 846, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

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

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

Representative Ching 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. 846, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti and Saiki voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 438) recommending that H.B. No. 667, 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. 667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 439) recommending that H.B. No. 98, 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. 98, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 440) recommending that H.B. No. 1338, 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.B. No. 1338, HD 1, entitled: "A BILL FOR AN ACT RELATED TO THE

ECONOMY," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 441) recommending that H.B. No. 985, 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. 985, 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:

"I have reservations on Stand. Com. Rep. No. 441 and comments. Just briefly, what this bill does is when people bid, or a company bids on a project, this will allow losing bidders to also get money from the State. I'm just really concerned. While I know it's to increase competition, we are actually costing more money for the State by paying out those that will probably just bid just for their return of the money from the State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 985, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

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 12:16 o'clock p.m. with Vice Speaker Manahan presiding.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 442) recommending that H.B. No. 1339, 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. 1339, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 443) recommending that H.B. No. 983, 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. 983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 444) recommending that H.B. No. 702, 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. 702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 445)

recommending that H.B. No. 801, 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. 801, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 924, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and 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. 924, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 447) recommending that H.B. No. 782, 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. 782, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, a no vote on Stand. Com. Rep. No. 447. And a brief comment. There's another bill that's going around that says DBEDT gets a percentage of a tax to make it whole. This one essentially gives more tax. They're creating more tax funding here. Because it's a tax increase, it's automatically going to be counterproductive for our small businesses. The small guys are going to get hurt by that."

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

"Thank you. On Stand. Com. Rep. No. 447, House Bill 782, I am in opposition. I call this the 'cannibal bill.' One department is eating up another department, but DBEDT will be the beneficiary of \$2 million scooped out of the DCCA Compliance Resolution Fund. I think DBEDT hopes to raise \$2 million a year from this measure. It will increase license fees and a lot of other fees by DCCA by adding a \$20 surcharge for the life of this measure, and that's a tax increase. I question its constitutionality. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 782, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine, Marumoto, Thielen and Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 235, 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. 235, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I am in opposition to Stand. Com. Rep. No. 448, the limited liability companies which creates ingenuity companies. And with a brief comment. This bill has come up in various shapes and forms. To create a new company as if the existing corporate options to create a company don't exist. This is a chance to probably get more taxation for intellectual property rights. Intellectual property type companies.

"Existing law is sufficient to do this, particularly when the purpose of this is really to promote collective bargaining, or labor, or unionization of businesses, which heretofore have not been so.

"So it's been in various forms, morphing year after year. It's still as bad as it was in the beginning when it was more transparent and it was called – I forget even the term that was used. But it's a very unorthodox shaped way of doing business without saying, 'Look, we want to have labor more able to organize.' So with that, thank you."

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

Representative Ching 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. 235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 1308, 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. 1308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 1183, 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. 1183, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Yes, I rise with reservations and a comment on Stand. Com. Rep. No. 450. Yes, I just wanted to note that the Department of Taxation noted because of the complexity of the bill, and what they would need to do, it could actually cause a revenue loss for the State."

Representative Ward 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.B. No. 1183, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 1362, 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. 1362, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Chang, for the Committee on Economic Revitalization & Business and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 526, 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. 526, 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 Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Morita, for the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 788, 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. 788, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE FUELS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 261, 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. 261, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 993, 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. 993, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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. 993, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARINE HIGHWAY

SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 1039, 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. 1039, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 1266, 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. 1266, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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. 1266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 1373, 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. 1373, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise with reservations on Standing Committee Report 458 and have brief comments. I think that one of the things I wish had happened in Committee is we didn't really have the benefit of anyone to ask questions to. And this is making a fundamental change to the 17 cent fuel tax to a percentage of a calculation that has come up on a monthly basis by the PUC.

"I don't think anyone disagrees with the intent to fund the Highway Fund, but I worry that this creates a lot of uncertainty for all our constituents when the price potentially changes for them on a monthly basis. And they're probably not following the methodology of calculation. Which just again creates that uncertainty.

"It could be advantageous for consumers or it could adversely impact them, and that just didn't come up in Committee because there wasn't anyone to testify or answer our questions. Thank you."

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

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

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

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

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

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

"Reservations as well on Stand. Com. Rep. No. 458 and I just would like to make a brief comment. There are two measures going forward to fund the Highway Fund like the Vehicle Weight Tax and the Registration. I would rather support those measures, Mr. Speaker, because this one would affect my constituents who have to buy a lot of gasoline to come to work in town. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1373, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 1510, 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. 1510, entitled: "A BILL FOR AN ACT RELATING TO RUMBLE STRIPS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Souki and Tsuji, for the Committee on Transportation and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 1567, 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. 1567, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Souki and Tsuji, for the Committee on Transportation and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 1568, 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. 1568, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 462) recommending that H.B. No. 691, HD 1, as amended in HD 2, 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. 691, HD 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 1380, HD 1, as amended in HD 2, 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.

1380, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 902, 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.B. No. 902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 1330, 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. 1330, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

"Mahalo. Ka luna ho'omalu. Ke kū nei au me ke kanalua. E pono no ka hō 'oia no kēia pu'u kālā ma ke kula nui La'au Lapa'au, 'o John A. Burns. 'O kēia waihona kālā 'oia no ke kōkua ke kukula kēia hale kula nui 'oia ho'i ka La'au Lapa'au. 'O ke kula, 'a'ohe pono ke 'ano a me ka hana ma'a 'ole. Ina e ho'opili, kō kākou Pelekikena Obama kane 'oia no ka 'ēlemu peku.

"Mr. Speaker, I rise with reservation. There needs to be an audit on how these funds are spent by the John A. Burns School of Medicine. The Tobacco Settlements Funds were initially appropriate to kick start JABSOM. It appears that the University is hooked and can't kick the habit. They need to follow President Obama's lead in 'kicking butts.' Mahalo."

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

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

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

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

"Thank you. I just wanted to disclose a potential conflict. My grandson is a third-year student at the med school," and the Chair ruled, "no conflict."

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

"Thank you. I support the bill."

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

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. Generally, I support more local medical students and the John A. Burns School of Medicine.

"Continuing the appropriation of a portion of the Hawaii Tobacco Settlement Special Fund moneys for operating expenses of the John A. Burns School of Medicine ensures our State university's ability to educate and train future physicians for practice in Hawaii. I would have supported even greater links between the funding we provide and insuring physicians practice in our rural areas.

"The use of these moneys is a proper use of the Tobacco Funds. Programs and staff at the John A. Burns School of Medicine conduct the studies, outreach, and treatment of tobacco-related illnesses.

"However, I do recognize the Hawaii Tobacco Prevention and Control Trust Fund's allocation from the Master Settlement Agreement has been reduced several times. The trust fund's balance will be depleted in eight or nine years. We need to ensure that the John A. Burns School of Medicine develops and implements practices that will provide for the school's sustainability over the long term -- that from July 1, 2015, it will not rely primarily on funding from the Hawaii Tobacco Settlement Special Fund."

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

Representative Morita 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 Committee was adopted and H.B. No. 1330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was referred to the Committee on Finance, with Representatives Belatti, C. Lee, Morita, Rhoads, Takai and Takumi voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 1326, 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. 1326, 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 Carroll, Herkes and McKelvey being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 1327, 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. 1327, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 468) recommending that H.B. No. 809, 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. 809, 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 with reservations, stating:

"Yes, I rise with reservations on Stand. Com. Rep. No. 468. And just a really brief comment. Timeshares are not hotel rooms. They are actual property that's owned by people, although it may be a partial ownership, I do not believe that we should be taxing them as hotel rooms. Thank you."

At 12:25 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

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

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

"Reservations on Stand. Com. Rep. No. 468 and a comment. In addition to what the Representative from Maui said, the reason timeshares are different is what they do differently from those that pay taxes on the TAT, is they also pay real property taxes. So they're already taxed more than you would staying in a hotel."

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

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.)

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

Representative Morikawa 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. 809, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1038, 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. 1038, HD 1, 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 Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 470) recommending that H.B. No. 946, HD 1, 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. 946, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 577, 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.

577, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 1041, 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. 1041, HD 1, pass Second Reading and 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, and the Chair "so ordered."

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

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

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

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

Representative Ching 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. 1041, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey 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. 473) recommending that H.B. No. 1166, 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. 1166, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

"Mr. Speaker, reservations and brief comments on Stand. Com. Rep. No. 473. Mr. Speaker, this is as the previous speaker from Maui indicated, you must ask the 'nanny state' if you will, for permission to get rid of employees, because when you sell them, that you have to sell them lock, stock, and barrel.

"I think this is an unnecessary infringement into the free market system. I think this is an intrusion. I know it's come up before, but more rational tempers have prevailed in this and I hope it does on this time.

"Because being in business is a risk. I know of a business that took a really hard hit because of a Health Department scare. They want to sell the business, but didn't have the money to keep the employees. So under business law like this, even though I know it's a hundred and above, it's like, who are we? Do we know better than the business people how to run a business? How to hire and fire?

"The problem with our economy now is jobs, jobs, and jobs. We've got to encourage these people, not discourage them, to hire people. This is saying, 'Watch out. The government's going to come in and say you cannot fire anybody. We know better than you.' Mr. Speaker, this is not what's going to make this country great or this State prosperous. Thank you."

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

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

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

"I stand in support of Standing Committee Report 473. Just very briefly to counter the remarks of the Minority Leader. This is a bill about jobs. This is protecting the jobs of the local workforce and that is why we need to move this forward. As we continue to see conglomeration happen all over our State whereby people outside of this State are taking control of our businesses, do we have a control on our destiny and our future? And that is what this bill is seeking to ask.

"I think it's a worthwhile discussion, especially as we see businesses closing up like Borders, causing 'mom and pop' stores that previously were selling books to have all shut down. That is the question that we have before us. Whether we want to control our own destiny, or have somebody outside controlling it for us."

Representative Ward rose to respond, stating:

"A brief rebuttal. Contrary to the Majority Leader's concept, vision, or description of what paradigm we're faced with in our country and our State, it's all about creating jobs. That's what we have to encourage by letting employers know we're going to get out of your way, allow you to create more jobs. It's all about jobs. Of course we want to retain jobs, but you want to give employers the confidence level by which to hire more jobs.

"You know, contrary to popular opinion, there's no shortage of money in our economy. It's the lack of confidence they have to invest it to where they're going to get a return and it's going to be safe.

"When we pass bills like this it puts a cloud of uncertainty. It's almost like the 'vog' of the marketplace that comes over it saying, 'You know I'm not sure I'm going to put my money out there and create more jobs.'

"Because if we just keep the jobs we got now, at six point something unemployment, we're going to be in the pit. We've got to go back to when it was down to 2.2, 2.3 in the days of the previous Administration when the economy across the world, across the State, across the nation was doing very, very, very well.

"So it's all about jobs. That's basically the rebuttal. It's retaining jobs of course, but it's that the people who hire them need to know that we're behind them. And Mr. Speaker, this scares the daylights out of them because it takes away their decision to hire and fire, which often is 20 to 40% of their expenses to run a business. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support. Thank you, Mr. Speaker. I support the bill because I believe that the Chairs of Economic Revitalization & Business, along with Labor, truly understood the concerns that the Minority Leader has pointed out and have actually put some great language, I think, in the bill.

"It's worthy to keep the discussion going because for example it says they provide the successor employer, in the event of divestiture of a covered establishment, a tax credit for retaining all incumbent non-supervisory and non-confidential employees for at least a year.

"They increased the amount of employees employed by a covered establishment from 50, to 100. So they were definitely looking at the larger organizations and that really limits the impact this bill has.

"Also, it points out that if the employer is creating something that's so substantially different from what the existing company was, then obviously this wouldn't have the same impact.

"So they put a lot of criteria in here that I think is really beneficial for the continuity of helping the transition of a new company, and making sure that those that have the talent and expertise and live in the area stay employed. Thank you, Mr. Speaker."

Representative Ching 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 Committees was adopted and H.B. No. 1166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey 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. 474) recommending that H.B. No. 837, 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. 837, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

"Yes, I had reservations on Stand. Com. Rep. No. 474 and a brief comment. I understand the purpose of this bill, however I'm very concerned. What this bill does is, if you have a part-time job and you voluntarily leave, you're going to be entitled to these unemployment benefits.

"I'm just very concerned. Previously in the week, we're raising some fees on businesses to pay back the federal government because we had to borrow from them to pay for these benefits. Yet now, we're going to be paying for people who voluntarily quit their job for benefits.

"I'm just finding a very difficult time supporting all of these benefits because we can't afford what we have right now."

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

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

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

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

"Mr. Speaker. On Stand. Com. Report 474, in support. Just quickly. Thank you. This bill only applies to workers who are already attached. They're full-time employees who are attached to an employer already. And what we're trying to do is create the incentive. These people have every right to just sit there and take unemployment until the layoff ends, and then they can go back to work at their regular employer that they're already attached to.

"What this bill does is encourage those people to go to work at part-time jobs while they're waiting for their regular job to resume, and I think that that's the right incentive to have. The right incentive to have is for these people to work and not to sit on unemployment, which is not only beneficial to them, but beneficial for the balance of the Unemployment Insurance Trust Fund. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 837, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 56, 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. 56, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 616, 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. 616, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 1003, 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. 1003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 478) recommending that H.B. No. 1407, 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. 1407, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 727, 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. 727, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES," passed Second

Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 769, 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. 769, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 1121, 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. 1121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TERMS OF IMPRISONMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 1473, HD 1, as amended in HD 2, 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. 1473, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 998, 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. 998, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

Representative Johanson's written remarks are as follows:

"I rise with reservations on HB 998. While this bill is well intentioned, any wide-spread increase in fees may adversely affect Hawaii's struggling families. The environment and the state's landfill problem are always a concern, and measures such as this are noble attempts at a solution. This fee, however, could disproportionately impact those who are least able to weather increases at the grocery store. Many of our people struggling to get by and/or provide for their families. Some grocers offer a positive incentive or discount when a reusable bag is utilized, and this similar program can achieve this overarching objective without levying a punitive fee."

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

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

Representative Awana 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 Committees was adopted and H.B. No. 998, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 1521, 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. 1521, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Morita and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 1176, HD 1, as amended in HD 2, 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. 1176, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Standing Committee Report 485, may I have a ruling on a potential conflict? Given my pending appointment to the Public Utilities Commission, I'd like to be excused from this vote."

The Chair responded, stating:

"You will be excused from the vote."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1176, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TRANSMISSION CABLE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes, McKelvey and Morita being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 1046, 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. 1046, 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:

"I have reservations on Stand. Com. Rep. No. 486 and a brief comment. This is one of the bills that enforce federal law and the new health insurance law on the State of Hawaii. It does enforce parts of the law, but I'm just skeptical at this point because many states have challenged this law being imposed on their own state. I think we still have the best health insurance coverage in the nation and I'm just concerned that any tweaks could affect business in some way and investment as well."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1046, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 1344, HD 1, as amended in HD 2, 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. 1344, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 863, 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. 863, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 1654, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1654, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 1494, 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. 1494, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"On Standing Committee Report 490, HB 1494, with reservations and quick comments. Thank you. The previous Attorney General has already opined that a condo board can restrict, eliminate, and ban smoking in the

entire condo. Very few people do this because no one wants to be the 'guinea pig.'

"But the original version of this bill would simply clarify that condo boards can outlaw smoking throughout the condo building by rule, and this current draft takes that current ability away. I think that's a step backwards. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1494, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN CONDOMINIUMS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 1088, 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. 1088, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 1243, HD 1, as amended in HD 2, 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. 1243, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 421, 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 Committee was adopted and H.B. No. 421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 160, 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. 160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 65, 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. 65, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL TREATMENT FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 516, 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. 516, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS MADE OUT OF THE EMERGENCY AND BUDGET RESERVE FUND PURSUANT TO ACT 191, SESSION LAWS OF HAWAII 2010," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 845, 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. 845, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker. Yes, may I have a ruling on a potential conflict? On Stand. Com. Report No. 497, I'm an officer of a company that has a ground lease," and the Chair ruled, "no conflict."

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

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

"Mr. Speaker, I have reservations on Stand. Com. Rep. No. 497 and just a few short comments. This measure, House Bill 845 reflects a growing trend in many of the bills coming before this House regarding the forcing the sale, or conversion of sale of leases. Now if this is a policy that the House and the State want to go down that road, whether it's forcing the State government or other private landowners to convert their leases into sales, then that's a conversation we need to have. And we should approach that very carefully because it has the government becoming involved in business transactions that should be governed, I believe by the free market. Thank you, Mr. Speaker."

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

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

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

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

Representative Awana 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. 845, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUND LEASES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 498)

recommending that H.B. No. 475, 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. 475, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 1187, 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. 1187, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 499, I am an importer of liquor," and the Chair ruled, "no conflict."

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

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

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

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

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

"Reservations on Stand. Com. Rep. No. 499 and a brief comment. This increases taxes on liquor. It was noted in the Committee that those who are alcoholics will always drink alcohol until they are cured or helped. However many drinkers, including many tourists in the tourist industry, do consume a lot of alcohol. And it was commented that this would actually lose money for the industry as a whole, and their viability to compete because occasional drinkers will buy less liquor and that's many local companies."

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

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

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

"Thank you, Mr. Speaker. I'm rising in support of Standing Committee Report No. 499. Thank you. This increases the liquor tax rate and I've wondered for many years why we haven't tackled this one because as long as I've been here, we continue to raise the cigarette tax and our argument is always the impact that the cigarette tax has on the health of people which results in all of us taxpayers across the State to have to pay for the impact on people's health from smoking cigarettes.

"Well I would argue it's the same with alcohol. We have obesity. We do have diabetes. We do have alcoholism that affects liver. And so in essence, probably our society pays quite a bit for the impacts it has on people's health.

"But even more so, the social impacts of drinking also can affect families like domestic abuse. The greater society does pay for the impacts

of liquor. So if we're going to raise the price of tax on cigarettes, then I really believe we have to raise the tax on liquor. Thank you."

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

"In strong support, Mr. Speaker. And I would like to have the words of my colleague from Kona to be entered into the record as if they were my own. As a registered nurse and a critical care nurse for many, many years, I have seen the impact of alcohol on the bodies of the people that abuse this. So we should look at liquor like we look at cigarettes because while they may have different pathways to bad health, the outcome is the same. So in that sense, Mr. Speaker, I support the measure. Thank you."

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

"Mr. Speaker, briefly, I stand in support. The only problem I have with this bill is it doesn't also include soda. Thank you."

Representative Pine rose to respond, stating:

"Just, again in rebuttal. I do agree with the health concerns and I don't drink that much liquor because of that. My concern was more with the businesses in the State of Hawaii. The breweries in the State of Hawaii. I'm looking particularly from a business perspective. We don't have people making cigarettes in mass quantities in the State of Hawaii, and that's why I think many people were more palatable to vote for the cigarette tax increase. But this would affect business and have a huge revenue loss, and a huge job loss for the workers at the breweries."

At 12:47 o'clock p.m. Representative Keith-Agaran requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

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

"Yes, Mr. Speaker. I wish to speak with strong reservations against increasing the gallonage on liquor tax. I vote with strong reservations on it. My understanding is, as we have been increasing the tax, the revenue impact has been, as far as increasing revenue for the State, has been less and less. As the consumption goes down, the tax then doesn't serve any purpose at all except to hurt the businesses that provide for the liquor.

"So there's always a point of no return, and I request that the Finance Committee examine in depth as to whether it's worth the effort to push a measure like this, where it'll hurt the business and the revenue increase would be rather negligible. Thank you, very much."

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

"Mr. Speaker, I'm standing in support. On that note, if we're going to be asking the future Committees to look at the cost impacts on the businesses that provide alcohol Mr. Speaker, then we should also be incorporating and looking at the value of the impact of those that drink and drive, those that suffer from cirrhosis of the liver due to drinking, as well as other negative impacts of the drinking of alcohol to excess. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1187, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 1509, 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.

1509, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 356, 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. 356, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 1551, 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. 1551, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker. On Standing Committee Report 502, I'd like to be excused from voting on this measure. My law partner apparently is lobbying on this measure. I'm not sure if I will receive anything from what he is paid, but in an abundance of caution, I'd like to be excused."

The Chair responded, stating:

"So ordered. You are excused."

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

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

"Mr. Speaker, I just would like you to note my reservation on Stand. Com. Report 502 and I would like to give a brief comment about my reservations. Although I like the film industry's presence in our State, they're asking for a huge amount of tax credit. And as you know, tax credits can be sold and the impact can be devastating if they so decide to cash it out all at one time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1551, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes, Keith-Agaran and McKelvey being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1307, 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. 1307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 504)

recommending that H.B. No. 519, 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. 519, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives McKelvey and Rhoads, for the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 113, 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. 113, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 505, Mr. Speaker, I have reservations. This raises multiple issues. Thank you."

Representative Fontaine 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 Committees was adopted and H.B. No. 113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 313, HD 1, as amended in HD 2, 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. 313, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 377, 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.B. No. 377, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 378, HD 1, as amended in HD 2, 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. 378, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDSCAPING OF PUBLIC FACILITIES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 400, 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. 400, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1063, 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. 1063, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 1438, 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. 1438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 402, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 402, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

"I just had some concerns on SCR 512. I completely respect the purpose of this bill and I do believe these types of things are needed. However, what this bill also does is it also allows cultural impact assessments in addition to the environmental impact assessment in all the procedures that are done before projects can be started. It also gives OHA veto power to stop all projects. I'm just very concerned that this doesn't allow us much flexibility to grow this economy if we do have people who are saying no to every single project that has jobs."

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

"Mr. Speaker, I rise with a little more heaviness in that reservations may not be enough to express my concern about this, so I will be voting no. The problem is it's a bit over the top. I mean it's good that we, the host culture is invaluable. We would not be who we are, where we are, and what we do vis-à-vis our environment.

"But this one says that the gatekeeper is basically going to stop major and all real estate transactions without first the cultural impact. And for some who love, and some who hate OHA, they're going to be the gatekeeper as the former speaker, my colleague said, they have veto power. I think that's going a little bit over the top.

"I would suggest the next Committee tone it down or turn it down a little bit so we can get on with this and respecting the host culture, but also respect that we've got to get on with life, we've got to get along with the development of other options than just putting no development at every nook and cranny, and every turn left or to the right. Thank you, Mr. Speaker."

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

"Mr. Speaker, please register my 'with reservations.' Mr. Speaker, this addition, while worthy in the cause of having cultural impacts, and looking ahead of time to be proactive, the impact on development and the time and potential consequences could make projects delayed for an extended length of time. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was referred to the Committee on Finance, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 155, 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. 155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 389, HD 1, as amended in HD 2, 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. 389, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Hanohano, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 948, 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. 948, entitled: "A BILL FOR AN ACT RELATING TO CEDED LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 917, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 917, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Thielen 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 Committees was adopted and H.B. No. 917, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Chang and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 850, 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. 850, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 Committees was adopted and H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 548, HD 1, as amended in HD 2, 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. 548, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 915, 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. 915, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 931, 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. 931, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1180, 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. 1180, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 1224, 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.B. No.

1224, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 579, 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. 579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WILDLIFE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 756, HD 1, as amended in HD 2, 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. 756, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 324, 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. 324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 376, 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. 376, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, 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. 376, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 926, 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. 926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORELINE SETBACK," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 738, 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. 738, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 576, 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. 576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1045, 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. 1045, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1201, 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.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH BENEFIT EXCHANGE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 463, HD 1, as amended in HD 2, 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. 463, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 678, HD 1, as amended in HD 2, 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. 678, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

INFORMATION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1000, 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.B. No. 1000, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1384, HD 1, as amended in HD 2, 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. 1384, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1257, 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. 1257, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"On Standing Committee Report 536, again may I have a ruling on a potential conflict? Given my appointment and pending confirmation to the PUC."

The Chair responded, stating:

"Same conflict? You are excused."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes, McKelvey and Morita being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1342, 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.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 466, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 466, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

"Thank you, Mr. Speaker. I have reservations on No. 538 and brief comments. Thank you. This is House Bill 466. There was no consultation with the local medical community to see if the doctors could cover this. In addition the present system isn't broken. Thank you."

Representative Ching 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. 466, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1179, HD 1, as amended in HD 2, 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. 1179, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 1050, 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. 1050, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 337, 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. 337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 879, 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. 879, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 972, 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. 972, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. On Standing Committee Report No. 543, may I have a ruling on a potential conflict, given my pending appointment?"

The Chair responded, stating:

"You are excused."

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict on Stand. Com. Rep. Nos. 543 and 547. I'm an owner of a gas station," 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. 972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes, McKelvey and Morita being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 1220, 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. 1220, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRIVACY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 1411, 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. 1411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1051, 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. 1051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Morita, for the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 1455, 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. 1455, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict on Stand. Com. Rep. Nos. 543 and 547. I'm an owner of a gas station," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Morita, for the Committee on Consumer Protection & Commerce and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 1456, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1456, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you. May I have another ruling on a potential conflict on Stand. Comm. Report 548? At my gas station we sell petroleum products," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1456, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 130, 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. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 492, 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. 492, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 551) recommending that

H.B. No. 1008, 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. 1008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 604, 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. 604, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"With reservations on Stand. Com. Rep. No. 552, Mr. Speaker. Brief comment, as I did the other day when I spoke about the emerging 'nanny state' in all the different areas where our government is going to tell us what to do. This is not exactly directly applicable, but it says that lighters that look like novelties are going to be banned. It was said in the hearing there was nothing from the State Fire Safety Council on Fire Prevention that they knew of whether it was a match that's a wooden match, or a book match, or a lighter that is the cause of fire.

"One of the difficulties of being a legislator is that we often make our decisions based upon impressions, anecdotes, but not data. I would really hope that the next Committee looks at what the data is saying. Are these things which we want to ban really a problem? And is it something that's going to be next to them banning matches. Because when you light a lighter and you take your thumb off it stops. Matches continue to burn like cigarettes, etc. which are probably the largest cause of fire.

"So Mr. Speaker, not that this is going to make the 'nanny state,' but it's kind of edging up to the side and saying, 'Look, government knows better. Stop doing this and we're going to live happily thereafter.' I think we just have to be cautious as legislators. Let's see the data. If it's a problem, let's do it. If not, let's let it go. That's why I have reservations. Thank you."

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

"Mr. Speaker, I'm standing in strong support. Children playing with lighters or matches from 2004 to 2008 accounted for 57,000 fires, Mr. Speaker. Approximately 113 civilian deaths, 916 injuries, and about \$286 million in property losses within those four years. Also a federal Consumer Product Safety Commission has recalled thousands of these types of lighters known as 'novelties.'

"The intent with this bill, Mr. Speaker, is to take off some of these types of products that are made and designed to attract children to playing with them. Children think they are toys, but actually they are dangerous lighters that can cause life-threatening fires. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Just a brief retort. I appreciate having the data. I'd like to see it broken out by matches versus lighters. And I would also ask the gentleman who just spoke, why are lighters made before 1980 exempt? I mean, if they're that dangerous and are that much of a threat, why exempt lighters before 1980? Thank you."

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

"I stand with reservations and just a brief comment. I would like to have seen us do something where we would have actually put in a safety device so that children couldn't use it, instead of taking away the ability for adults

to use these products and to purchase them. Some people collect them as collector items. They go on vacation. They bring home a novelty item from Disneyland or wherever the case they may be. Where they visit. I think it's just over-restrictive. I would like us to move towards a safety device. Thank you."

Representative Yamane rose to respond, stating:

"Thank you, Mr. Speaker. Again, I'm standing in support. If people want information, I'll just let you know that in the City and County of Honolulu during the period of 2003 to 2004, 48 fires were started by children playing with these types of lighters. This accounted for \$3.9 million in losses. Thank you."

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

"Just in strong support and I'd like the words of the Representative from Mililani as my own. Thank you," 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. 604, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 876, 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. 876, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 1085, 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. 1085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 1620, 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. 1620, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 491, 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. 491, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 1458, 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. 1458, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 172, 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. 172, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 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. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 1052, 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. 1052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Brower and McKelvey, for the Committee on Tourism and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1617, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1617, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

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

Representative Belatti 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 Committees was adopted and H.B. No. 1617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 823, 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.B. No. 823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 290, 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.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 268, 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.B. No. 268, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1071, 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. 1071, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 119, 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. 119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 836, HD 1, as amended in HD 2, 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. 836, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 1064, 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.B. No. 1064, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD

PROTECTIVE ACT COURT PROCEEDINGS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 231, HD 1, as amended in HD 2, 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. 231, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 1435, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1435, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support with very strong reservations on Standing Committee Report No. 570. Thank you, Mr. Speaker. Members, this is the ignition interlock bill and I do recognize that this bill will be going on to its final Committee. But I would like to note that the bill in its current form is not supported by any members of the task force, the Ignition Interlock Task Force. And the Task Force is compromised of 26 members including: the Director of Transportation; the Director of Health; the Attorney General; the State Public Defender; the Chief of Police of the counties of Hawaii, Kauai, Maui and the City and County of Honolulu; the prosecuting attorneys of the counties of Hawaii, Kauai, Maui and the City and County of Honolulu; the driver examiners of each county including Hawaii, Kauai, Maui and the City and County of Honolulu; as well as Mothers Against Drunk Driving; the ignition interlock device vendor; as well as members of the Judiciary.

"So while I recognize this bill has a way to go, please be advised that the task force that has been in existence since 2008 and has worked very, very hard on these measures and with the support of this Body, the Senate, and the former Executive Branch, we were able to get that law into place, which did go into effect on January 1st, 2011. I want to thank the Members for their support, but the current bill as it stands now with the amendments, are not supported by the task force and I do note that this is a task force bill.

"Finally, Mr. Speaker, the amendments that were put in could have been worked on during the interim, which is another reason why the task force asked to be extended one further year. Unfortunately the task force was also deleted. So again, as the bill currently stands, I recognize that it has a way to go and so it is my sincere hope that we continue to work on these amendments and if not, I will reserve my comments and my rather long speech for Third Reading. Thank you, Mr. Speaker."

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

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

"Yes, I'm also with strong reservations and I also would make the same request. I would like to add that this bill also gives the opportunity of somebody who permanently lost their license to then now participate in the interlock program. So if you were permanently banned from driving for your lifetime, now you have a means to get your license again."

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

"Mr. Speaker, I also have strong reservations and I ask that the words of the Representative from Kapolei, including her passion, and I should say knowledge, about this particular subject be entered into the Journal."

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

"Mr. Speaker, I will vote no on this bill. And I would like the words of the Representative from Kapolei entered as my own. I'm hoping that on Final Reading I will be able to vote for this measure. Thank you."

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

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

"Thank you, Mr. Speaker, I too rise with reservations and ask that the words of the Representative from Kapolei be entered as my own. And I have just one more sentence to add. It seems that this bill is in somewhat contradiction to the conservation made earlier regarding alcoholism. Thank you."

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

"Yes, Mr. Speaker. I wish to speak strongly in favor of the measure. This measure provides for the interlock to prevent killing on the highway, and people destroying themselves and others. But this still allows them to go to work and support the family by driving to and from their job. Now the part of the measure that is disturbing some of our colleagues here has to do with two items.

"One is to allow those that had their license removed permanently to come back into the system again and to be able to drive again, providing they have the interlock for a period of time. And the time is stipulated in there. The longer you have been away from not being able to drive, then the shorter the term, providing you have been clean during that period of time.

"The dichotomy of this law that we have here is after a certain year, they took that section out and they took the permanent revocation out. But those that were affected prior to that still had the permanent revocation. So this bill attempts to correct that.

"Now when I questioned MADD on it to make some changes to correct this inequity, MADD said, 'Well, let's wait another year.' This has been going on for three or four years. Now, you have got to understand that the committee's made up of 43 members. Sometimes it takes a little a while for all 43 to come into agreement.

"Now I also compliment the committee for working very hard these past years. I have plenty of aloha for them. But at the same time their job is to advise, and not to make laws. Making of laws is the prerogative of this Body here, and not of the committee.

"So this is just a work in progress. It's going to be going on so we can re-look at this issue again. We're going to try to improve the language for those who have lost their license permanently to make it a little more clear, a little more equitable, and we'll be hopefully working with the Finance Committee as to the correct language. I have some people working on the language right now, but what I'm trying to impress on the Members here is that we don't have to wait until 2012. Let's do it this year. Thank you, very much."

Representative Har rose to respond, stating:

"Thank you, Mr. Speaker. Just briefly, I'd like to note that a person who has received a lifetime revocation has in fact committed four violations, a drug or alcohol violation, in a period of ten years, which is why that person has permanently had their license revoked for this person's lifetime. In essence, that person has committed four heinous crimes within a ten-year

period. That is why that person no longer has the privilege of driving. Thank you, Mr. Speaker."

Representative Keith-Agaran rose to speak in support of the measure, stating:

"Yes, Mr. Speaker, in support. This bill, before it came to the Committee, was really creating two classes of drunks: those that were before the interlock program; and those that are caught now. So we basically, by going forward with the interlock, we're going to let certain drunks continue to drive. I think the bill that's on the Floor just reflects the fact that we should treat all our residents equally, and give them the opportunity to take advantage of the interlock.

"The whole purpose of interlock is to make sure that those who have been caught with DUIs do not get back into a vehicle and drive, and if they do, the interlock instrument will prevent the car from starting. I think we can see that people who have permanently lost their license are still being caught and are getting around the current system. So as the Representative from Waihee points out, this bill still has a while to go and hopefully, language can be worked on.

"Now having sat on the Transportation Committee in the last two years, the issue about people that have been permanently barred from driving has come up before and has been raised with the task force. They have continued to say, 'Yes, we'll work on it,' and then come back again with bills that do not address the issue. I think the bill in some ways, in the form that it is, is to ask them to please work on the bill. We still have time before the end of Session and hopefully we can have this matter resolved. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations and I look forward to all the good dialogue in Finance. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1435, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 1009, 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. 1009, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 396, 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.B. No. 396, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 980, 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.B. No.

980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 889, HD 1, as amended in HD 2, 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. 889, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 461, 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.B. No. 461, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 684, HD 1, as amended in HD 2, 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. 684, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 246, 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. 246, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 1001, 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. 1001, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 1627, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1627, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I rise with reservations on Stand. Com. Rep. No. 579. And a brief comment that just as I spoke earlier about, this is the Mini-Akaka Bill which is the Hawaii version of what otherwise is the national version. I think it's not timely at this particular junction. Even OHA and DHHL need more time to study the impact. I know when this was heard in the Hawaiian Affairs Committee there was very little testimony, and then very, very short testimony on something with this huge of an impact of a new nation, a first nation, needs to be totally absorbed and totally understood before we move ahead. So I just put my caution on this that it's a big bill moving very fast and we need to understand what it is. Thank you."

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

Representative Fontaine 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.B. No. 1627, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 132, 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. 132, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Mr. Speaker, I'd just like to note my reservations for Stand. Com. Report No. 580 and would refer Members to take a look at the testimony by the Japanese American Citizens League and the ACLU. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF DNA SAMPLES FROM ARRESTEES OF SEXUAL OFFENSES AGAINST MINORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1225, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1225, be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Hashem rose and asked that the Clerk record a no vote 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.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO BINGO," was referred to the Committee on Finance, with Representatives Aquino, Ching, Choy, Cullen, Fontaine, Hashem, Johanson, M. Lee, Marumoto, Morita, Nishimoto, Saiki, Takumi, Thielen, Ward and Yamane voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 1513, 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.B. No. 1513, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 467, 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.B. No. 467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 638, 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. 638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 781, 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. 781, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Hopefully I am the 26th no vote."

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

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

At 1:21 o'clock p.m. Representative Brower requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

Representative Pine rose, stating:

"Yes, just for transparency sake, I'd like to call for the division of the House."

At 1:35 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

Representative Pine rose, stating:

"I withdraw my motion so that others can continue to vote."

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

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

"Mr. Speaker, in opposition. Mr. Speaker, I hope that today, history will show that the Chair of Tourism was able to rally a bipartisan coalition and keep this issue out of his neighborhood. And as stated today, 'Not in my house.'"

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

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

"In opposition, Mr. Speaker. I just would like to make a brief comment. I support bingo, but I think that we should proceed slowly on this matter. So we let this one go by, and perhaps we'll see what the outcome will be before we take this gaming in Waikiki any further. Thank you, Mr. Speaker."

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

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

At this time, Representative B. Oshiro moved that, notwithstanding the prior motion, and notwithstanding the recommendations contained in

Standing Committee Report No. 585, that H.B. No. 781, HD 1, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I rise against the motion. Being that we voted after some people have changed their vote 28 to 19, clearly that is a failure of the bill. To recommit it, I think, is unfair score keeping. It will perhaps hide something by this recommittal of which we often do before we've taken a vote.

"We honestly and openly have taken a vote. We've voted it down. The people who represent the people of Hawaii have said, 'We don't want it.' Why turn it back to the Committee which in effect is the one that got it here in the first place and trust them rather than the vote that says, it's dead now. So I think this is just a little bit of a 'gerrymandering' of voting and is uncalled for. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this recommittal. Yes, for those of us who don't support gambling, this is the way to do it. A recommit in this case is to kill the bill. So I urge my colleagues that don't support gambling to support this motion. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 781, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMING," was recommitted to the Committee on Judiciary, with Representative Ward voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 688, 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.B. No. 688, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 341, HD 1, as amended in HD 2, 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. 341, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 397, HD 1, as amended in HD 2, 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. 397, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 581, 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 Committee was adopted and H.B. No. 581, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

RESIDENTIAL REAL PROPERTY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 430, 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. 430, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, on Stand. Com. Rep. No. 590, I have the same potential conflict. I occasionally work for a homeless shelter," 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. 430, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HOMELESS PROGRAMS OFFICE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 960, 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. 960, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 1586, 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. 1586, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OHANA HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 70, 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. 70, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, I wanted to declare a potential conflict on Stand. Com. Rep. No. 593. I occasionally work for a homeless shelter," 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. 70, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 594) recommending that H.B. No. 1489, HD 1, as amended in HD 2, 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. 1489, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS," was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 595) recommending that H.B. No. 1247, 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. 1247, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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

"Mr. Speaker, please note my strong reservations on Standing Committee Report No. 595."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 1306, 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. 1306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 601, 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. 601, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 309, HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 309, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I would like to cast a no vote on Stand. Com. Rep. No. 598. And a few comments. Thank you. Mr. Speaker, House Bill 309 unfortunately will allow more of the 'Hoover vacuum cleaner towers'

in Kakaako, and I think that's a mistake. You know how unfortunate those are on our skyline. And also when you go by them, you'll take a look at mostly dark windows. They were bought by overseas investors, and not by people in our community. Thank you."

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

"In support, Mr. Speaker. I just would like to mention to the Members that House Bill 309 has nothing to do with Kakaako. Thank you."

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

Representative Belatti rose and asked that the Clerk record a no vote 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."

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

Representative Fontaine 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 Committees was adopted and H.B. No. 309, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Saiki and Thielen voting no, and with Representatives Carroll, Herkes and McKelvey being excused.

Representatives Cabanilla and Rhoads, for the Committee on Housing and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 1450, 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. 1450, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

"Yes, Mr. Speaker. On Stand. Com. Rep. No. 599, I notice it also relates to a homeless training program. In my part-time work, I do help the homeless get jobs," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 600) recommending that S.B. No. 1286, SD 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. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Herkes and McKelvey being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 838, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 601 on H.B. No. 838, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 838, HD 2, were made available to the Members of the House.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives Carroll, Herkes and McKelvey were excused.)

REPORTS OF STANDING COMMITTEES

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 1015, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1015, HD 1, pass Third Reading, seconded by Representative Evans.

At 1:44 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1015, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Herkes and McKelvey being excused.

At 1:46 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1015, HD 1

ANNOUNCEMENTS

Representative Ching: "Thank you. At the expense of sounding like a broken record, but it is yet still February. So tomorrow, I'd like to announce that there are cacao orchard tours from 9:30 to 11:00 at the Waialua Estate in the Waialua-North Shore area where they will have the 20-acre cacao orchard tour. Then go into Waialua Town and the sugar mill to learn about the preparation of raw cacao and how it is turned into chocolate.

"Also at Kapolei Shopping Center there will be sampling of the locally produced Hawaiian-grown cacao chocolate, educational displays and information, as well as Hawaiian-grown chocolate fudge sauce and Waialua Estate chocolate."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
44	Committee on Judiciary
45	Committee on Energy & Environmental Protection, then to the Committee on Finance

H.C.R.**Nos.** **Referred to:**

- 51 Committee on Judiciary
- 52 Committee on Energy & Environmental Protection, then to the
Committee on Finance
- 53 Committee on Education, then to the Committee on Finance

S.B.**Nos.** **Referred to:**

- 36,
SD1 Jointly to the Committee on Health and the Committee on
Human Services, then to the Committee on Finance
- 170,
SD1 Jointly to the Committee on Public Safety & Military Affairs
and the Committee on Transportation, then to the Committee
on Judiciary, then to the Committee on Finance
- 250,
SD1 Committee on Labor & Public Employment, then to the
Committee on Finance
- 729,
SD1 Committee on Energy & Environmental Protection, then to the
Committee on Finance
- 1213,
SD1 Committee on Economic Revitalization & Business, then to
the Committee on Water, Land, & Ocean Resources, then to
the Committee on Finance
- 1309,
SD1 Committee on Judiciary, then to the Committee on Legislative
Management, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B.**No.** **Re-referred to:**

- 840 Committee on Finance

ADJOURNMENT

At 1:47 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 Tuesday, February 22, 2011. (Representatives Carroll, Herkes and McKelvey were excused.)

TWENTY-SECOND DAY

Tuesday, February 22, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:11 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Aquino, Cabanilla, Carroll, Cullen, Har, Say and Takai, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 28 and 29) were received and announced by the Clerk:

Sen. Com. No. 28, transmitting S.B. No. 219, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on February 18, 2011.

Sen. Com. No. 29, transmitting S.B. No. 1089, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," which passed Third Reading in the Senate on February 18, 2011.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Aquino, Cabanilla, Carroll, Cullen, Har, Say and Takai were excused.)

S.B. No. 219, SD 1
S.B. No. 1089, SD 1

INTRODUCTIONS

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

Representative Ching introduced her daughter, Miss Anna Lerner. She was accompanied by Representative Ching's staff, Ms. Jocelyn Ho.

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 12:32 o'clock p.m.

LATE INTRODUCTIONS

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

Vice Speaker Manahan introduced students from Kalakaua Middle School and their teacher, Mr. Brandt Like; and chaperones, Mr. Hajiro, Mr. Volpone, Mr. Tillery, Mr. Jones, Ms. Fujii, Ms. Laforga, Mr. Powell and Ms. Loke.

ORDER OF THE 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 House and Senate Bills for Third Reading by consent calendar. (Representatives Carroll, Har, Say and Takai were excused.)

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 420) recommending that S.B. No. 8, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 8, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in strong support for Stand. Com. Rep. No. 420. Mr. Speaker, this is the bill that will allow the Governor to appoint the Board of Education. It's an important bill. It's a long overdue bill, but it's in a bill that will have a major impact on accountability. Our Governor himself has said heretofore it's been a quadrangle firing squad. No one will take the hit because they pass it to the next one.

"This, Mr. Speaker, is going to make a real difference not only because of accountability, but I think because of the results that will come out of that. It also requires the permission of the Senate to be confirmed.

"But I have one slight doubt about how we separated the Board members from the youth members, and I know that's the prerogative of the Chair of Education, but the student member, I'm not sure why he's not included in this one. Also why the student member has a 2.0 grade point average as a prerequisite. I'm not sure that that will go over too well with the public as a way of enhancing the Board. But otherwise this is a great bill. It's an idea whose time has come, and the results from which we should expect great things. Thank you."

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

"Mr. Chair, I'm also in strong support of this and I would like to have the words of the Representative from Hawaii Kai entered as my own," and the Chair "so ordered." (By reference only.)

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

Representative Johanson's written remarks are as follows:

"I rise in support of SB 8. As a proud product of Hawaii's public schools, I am pleased to support this effort that establishes the appointment process which I believe will engender greater accountability within the Department of Education. Our public schools currently have all of the necessary ingredients to succeed: excellent teachers and outstanding students. Additionally, the State has committed significant financial resources to public education. This governance change helps to perfect the recipe for public education in the State of Hawaii. The Senate and the House Education Chairs deserve significant credit for their efforts to expedite this historic enabling legislation that I believe will not only improve education in the short-term, but also help Hawaii to achieve its fullest potential of being a world-class leader in educating our children."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 8, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 838, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 838, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

At 12:37 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 8, SD 1, HD 2
H.B. No. 838, HD 2

THIRD READING

H.B. No. 593, HD 1:

Representative B. Oshiro moved that H.B. No. 593, HD 1, pass Third Reading, seconded by Representative Evans.

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

"In support with a couple of comments on House Bill 593. What this bill does is it ensures that candidates for county elective office do in fact sign a document that says that they do live in the district. I just wanted to mention my support."

The motion was put to vote by the Chair and carried, and H.B. No. 593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 555, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 298, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 243, HD 1:

Representative B. Oshiro moved that H.B. No. 243, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Fontaine's written remarks are as follows:

"As a pet owner and speaking for other pet owners, I am in support of HB 243 HD1. This bill adds some important clarification to the existing statute regarding cruelty to animals. It increases protection to pet owners by prohibiting the killing of a pet belonging to another person and making it against the law. This is important because it may serve as a deterrent to prevent citizens from killing pets owned by others. This legislation will add an avenue of recourse and justice for pet owners who lose their cherished pets if someone kills them."

The motion was put to vote by the Chair and carried, and H.B. No. 243, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

H.B. No. 827, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS

COMMISSION," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

At 12:39 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

S.B. No. 1286, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Har, Say and Takai being excused.

At 12:40 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 593, HD 1
H.B. No. 555, HD 1
H.B. No. 298, HD 1
H.B. No. 243, HD 1
H.B. No. 827, HD 1
S.B. No. 1286, SD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 47 through 55) and concurrent resolutions (H.C.R. Nos. 54 through 62) were referred to Printing and further action was deferred:

H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was jointly offered by Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, Tsuji and Yamashita.

H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was jointly offered by Representatives Yamane and Morikawa.

H.R. No. 49, entitled: "HOUSE RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was jointly offered by Representatives Mizuno, Brower, Cabanilla, Hanohano, Har, Keith-Agaran, M. Lee, Manahan, McKelvey, Morikawa, Aquino, Awana, Cullen, Nakashima, Nishimoto and Tokioka.

H.R. No. 50, entitled: "HOUSE RESOLUTION COMMENDING THE CITY AND COUNTY OF HONOLULU FOR ITS OUTSTANDING SERVICE IN REDUCING THE BACKLOG OF MUCH-NEEDED STREET REPAIRS AND REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONDUCT A FEASIBILITY STUDY FOR THE REPAIR AND REPAVING OF SIDE STREETS ALONG KALIHI STREET, AS WELL AS UPGRADES TO A PORTION OF KALIHI STREET," was offered by Representative Mizuno.

H.R. No. 51, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO DESIGNATE SEPTEMBER AS "HAWAII FIVE-0" MONTH," was jointly offered by Representatives Mizuno, Brower and Takai.

H.R. No. 52, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," was jointly offered by Representatives Mizuno and Tokioka.

H.R. No. 53, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, Keith-Agaran, M. Lee, Manahan and Pine.

H.R. No. 54, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan and Pine.

H.R. No. 55, entitled: "HOUSE RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan and Pine.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was jointly offered by Representatives Yamane, Aquino, Cullen, M. Lee, Manahan, Tsuji and Yamashita.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was jointly offered by Representatives Yamane and Morikawa.

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was jointly offered by Representatives Mizuno, Brower, Cabanilla, Fontaine, Hanohano, Har, Keith-Agaran, M. Lee, Manahan, McKelvey, Morikawa, Souki, Aquino, Awana, Cullen, Nakashima, Nishimoto and Tokioka.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE CITY AND COUNTY OF HONOLULU FOR ITS OUTSTANDING SERVICE IN REDUCING THE BACKLOG OF MUCH-NEEDED STREET REPAIRS AND REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONDUCT A FEASIBILITY STUDY FOR THE REPAIR AND REPAVING OF SIDE STREETS ALONG KALIHI STREET, AS WELL AS UPGRADES TO A PORTION OF KALIHI STREET," was offered by Representative Mizuno.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DESIGNATE SEPTEMBER AS "HAWAII FIVE-0" MONTH," was jointly offered by Representatives Mizuno, Brower and Takai.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," was jointly offered by Representatives Mizuno and Tokioka.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, Keith-Agaran, M. Lee, Manahan, Pine, Morikawa and Riviere.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan, Pine, Morikawa and Riviere.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was jointly offered by Representatives Mizuno, Aquino, Awana, Cabanilla, M. Lee, Manahan, Morikawa, Pine and Riviere.

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
21	Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
196	Committee on Finance
747	Committee on Judiciary
814	Committee on Finance
815	Committee on Finance
817	Committee on Finance
1130	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1378	Committee on Finance

ADJOURNMENT

At 12:41 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, Wednesday, February 23, 2011. (Representatives Carroll, Har, Say and Takai were excused.)

TWENTY-THIRD DAY

Wednesday, February 23, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:10 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, M. Oshiro and Takai, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 165 and 166) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 165, dated February 22, 2011, transmitting the Budget in Brief - Amendments to the FB 2011-2013 Executive Biennium Budget.

Gov. Msg. No. 166, dated February 22, 2011, transmitting proposed changes to the General Appropriations Act (H.B. No. 200) as follows:

"February 22, 2011

The Honorable Calvin K.Y. Say
Speaker of the House of Representatives
Twenty-Sixth State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith are proposed changes to the General Appropriations Act (House Bill No. 200). Due to time constraints and in an effort to provide the Legislature with the information regarding the proposed requests in the most expeditious manner, this budget message is different in format to those submitted in the past.

All operating and capital improvement program (CIP) budget requests are listed by department on the attached forms, as indicated below, while proposed provisos are included as a separate attachment:

Operating Budget

- Form NA-B (*Department Summary of Operating Adjustment Requests - Abercrombie Administration*)
- Form NA-A (*Operating Adjustment Request - Abercrombie Administration*)

CIP Budget

- Form NA-S (*Department Summary of Proposed CIP Lapses and New Requests - Abercrombie Administration*)
- Tables P and Q (*Capital Project Details*)
- Table R (*Capital Project Information and Justification Sheet*)

Overview

Two weeks into our Administration on December 20, 2010, we submitted a transition budget as a starting point. We asked all departments to identify the most broken parts of their agencies, to begin developing new working habits under new leadership and to implement new policies that make the best use of limited resources.

Our Administration's proposed amendments to the FB 2011-13 Executive Budget reflect our goal to move in a new direction during these difficult times. We must achieve three essential goals to secure Hawaii's future.

First, we will restore the functions of government beginning with the most basic public needs. Second, we will accelerate our economic recovery with immediate jobs and opportunities. And third, we will reorient our entire government toward the priorities outlined in the New Day plan by investing in human capital and building a sustainable economy.

The Operating Budget

For FB 2011-13, proposed budget amendments total \$490.8 million in FY 12 and \$237.8 million in FY 13 from all means of financing for operating costs. This represents an increase of 5% and 2%, respectively, over the FB 2011-13 Executive Budget. Of these amounts, the request for general funds is \$133.8 million in FY 12 and \$160.3 million in FY 13, resulting in increases of 2% and 3%, respectively.

The proposed general fund requests include:

- \$866,938 in FY 12 and \$831,136 in FY 13 for the Department of Accounting and General Services (DAGS) to include the restoration of data center operations, reapportionment, and centralized procurement.
- \$915,166 in FY 12 and FY 13 for the Department of the Attorney General's staffing costs.
- \$2,497,000 in FY 12 and \$2,312,000 in FY 13 for the Department of Business, Economic Development and Tourism (DBEDT) to support economic development through the Hawaii Film Office, restoration of the Business and Community Assistance Branch and additional Hawaii Small Business Innovation Research grants.
- \$6,781,209 in FY 12 and \$2,372,284 in FY 13 for the Department of Defense (DOD) for the restoration of the Office of Juvenile Justice and Delinquent Prevention, maintenance costs, and emergency management support.
- \$646,208 in FY 12 and \$22,310,169 in FY 13 for the Department of Education (DOE) to support student transportation, nursing services and the Charter Schools.
- \$1,638,033 in FY 12 and \$1,475,033 in FY 13 for the Office of the Governor to restore full-year funding.
- \$2,316,313 in FY 12 and \$2,305,313 in FY 13 for the Department of Health (DOH) for the Early Intervention Program and for program costs related to civil unions.
- \$10,062,264 in FY 12 and \$6,951,208 in FY 13 for the Department of Human Services (DHS), which includes funding for the Pre-School Open Doors Program and a new computer-based eligibility system for the MedQuest Division.
- \$2,112,861 in FY 12 and \$2,017,861 in FY 13 for the Department of Land and Natural Resources (DLNR) to provide additional program support for Conservation and Resource Enforcement and Historic Preservation and dam safety.
- \$10,000,000 in FY 12 and FY 13 for the University of Hawaii (UH) to support the community colleges, UH at Hilo and strategic outcome funding.

The following general fund requests address previously identified shortfalls which were not addressed in the FB 2011-13 Executive Budget but were included in the general fund financial plan:

- \$36,757,602 in FY 13 for pension accumulation and \$54,285,500 in FY 12 and FY 13 for health benefit costs.
- \$37,974,624 in FY 12 and FY 13 to maintain the current level of service for the Temporary Assistance to Needy Families (TANF)

Program and \$11,523,511 in FY 12 and FY 13 for benefit payments for the TANF and Temporary Assistance to Other Needy Families (TAONF) Programs.

- \$13,200,000 in FY 12 and FY 13 (also \$13,200,000 in FY 12 and FY 13 in federal funds) for the Medicaid Program due to a recent court decision on benefits for Compact for Free Association clients.

Additionally, due to the rising costs of the Medicaid Program, my Administration is taking the difficult steps necessary to manage these costs which could easily spiral out of control. Consequently, I have proposed reductions of \$50 million (\$25 million in general funds and \$25 million in federal funds) in FY 12 and \$100 million (\$50 million in general funds and \$50 million in federal funds) in FY 13.

The Capital Improvements Program Budget

For the CIP budget, an additional amount of \$1,206.2 million in FY 12 and \$503.0 million in FY 13 has been recommended. This represents an increase of 249% and 103%, respectively, over the FB 2011-13 Executive Budget. Of these amounts, the request for general obligation (G.O.) bonds is \$81.9 million and \$247.8 million, respectively.

A central part of our economic strategy is a broad ranged series of capital improvement actions called the New Day Work Projects, which will immediately create jobs and inject dollars into the economy. This will benefit everyone.

We instructed all departments to look for projects that were ready to go and that could be completed in two years so that they could be prime movers in attacking the recession. The New Day Work Projects focus building on a vital infrastructure that will advance a sustainable economy built on the strength of our human capital as well.

The proposed G.O. bond requests provide:

- \$10,260,000 in FY 12 and \$5,900,000 in FY 13 for the Department of Agriculture for various irrigation system and watershed improvements.
- \$60,000,000 in FY 12 and \$30,000,000 in FY 13 for DAGS to provide maintenance and health and safety improvements for State facilities and Aloha Stadium, statewide energy conservation improvements, asbestos removal and renovation of the Kamamalu Building, and renovation of Washington Place.
- \$488,965,000 in FY 12 and \$98,000,000 in FY 13 for the Department of Budget and Finance to reauthorize prior year funding and authorize FB 2011-13 funding to support the State Educational Facilities Improvement (SEFI) special fund.
- \$37,830,000 in FY 12 and \$12,100,000 in FY 13 for DBEDT for the Rental Housing Trust Fund and a Senior Residence at Iwilei.
- \$8,060,000 in FY 12 and \$5,234,000 in FY 13 for DOD to support the renovation of Building 117 at Kalaeloa, renovation and improvements to Army Guard facilities and National Guard Armories, and Veteran's Cemetery improvements.
- \$98,000,000 in FY 12 and FY 13 for DOE for statewide improvements for electrical infrastructure, high school science facilities and noise and heat abatement; construction of new Ewa Makai Middle School and Keea Middle School classroom building; fire safety improvements at McKinley High School; and new Kapolei II Elementary School. (Although these projects are funded by the SEFI special fund, the SEFI special fund is supported by G.O. bonds).
- \$16,250,000 in FY 12 and \$15,000,000 in FY 13 for the Department of Hawaiian Home Lands to support construction of water systems at Makuu, North Kona, and Honokowai, and the Papakolea sewer system.

- \$15,670,000 in FY 12 and \$35,300,000 in FY 13 for DHS for various improvements at Kuhio Park Terrace, Mayor Wright Homes, Palolo Valley Homes, Lanakila Homes, Hale Laulima and Puahala Homes.

- \$26,182,000 in FY 12 and \$1,303,000 in FY 13 for DOH for energy efficiency and improvements at the Hawaii State Hospital, Waimano Ridge and other DOH facilities.

- \$44,839,000 in FY 12 and \$15,667,000 in FY 13 for the Hawaii Health Systems Corporation for electronic medical records and various improvements.

- \$26,250,000 in FY 12 and \$26,300,000 in FY 13 for DLNR for rockfall and flood mitigation and improvements to State parks, boating and ocean recreation facilities, and forest and outdoor recreation facilities, statewide.

- \$5,500,000 in FY 12 and \$3,000,000 in FY 13 for the Department of Public Safety for renovations at correctional facilities, an exploratory well at Kulani Correctional Center, and planning for the orderly development of correctional facilities.

- \$80,000,000 in FY 12 for UH for systemwide capital renewal and deferred maintenance and the Leeward Community College's Education and Innovation Instructional Facility.

The General Fund Expenditure Ceiling

By law, general fund appropriations must comply with the expenditure ceiling requirements that are set forth in Section 9, Article VII of the Hawaii State Constitution and Section 37-92 of the Hawaii Revised Statutes.

At the aggregate level, including all branches of government, total proposed appropriations from the General Fund are within the expenditure ceilings for both FY 12 and FY 13.

For the Executive Branch, total proposed appropriations from the General Fund (which include the Executive Budget for FB 2011-13 and other specific appropriation measures to be submitted) exceed the appropriation ceiling by \$516.1 million (or 9.9%) in FY 12 and by \$121.2 million (or 2.1 % in FY 13). The reasons for these excesses are due to the restoration of furlough savings adjustments and funds supplanted by the federal State Fiscal Stabilization Fund Program; increases in Medicaid, debt service, and fringe benefit costs; the new Administration's priority initiatives and restorations to meet operational requirements.

For Your Consideration

Our financial plan, our legislative proposals and this amended budget were developed in accordance with a number of key principles:

- It has to be fair with everyone contributing something.
- It has to be sensitive to the needs of those taxpayers with the least ability to pay.
- It has to create an infusion of support for the overall economy so we can continue to recover.

Your favorable consideration is requested for the attached budget items.

Your staff may contact the appropriate agency for additional information. Your understanding and assistance is appreciated.

Sincerely,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor, State of Hawaii

Attachments

c: Honorable Marcus R. Oshiro"

"PROVISOS

Amend Part III to add a new subsection to read:

Economic Development

"SECTION XX. Provided that of the special fund appropriation for tourism (BED 113), the sum of \$6,000,000, or so much thereof as may be necessary for fiscal year 2011-2012, and the sum of \$6,000,000, or so much thereof as may be necessary for fiscal year 2012-2013, shall be transferred to the department of land and natural resources, parks administration and operations (LNR 806) for the operation and maintenance of state parks; and provided further that the sum of \$4,000,000, or so much thereof as may be necessary for fiscal year 2011-2012, and the sum of \$4,000,000, or so much thereof as may be necessary for fiscal year 2012-2013, shall be transferred to the department of accounting and general services, state foundation on culture and the arts (AGS 881) for promoting culture and the arts in Hawaii."

Amend Part III to read:

Transportation

"SECTION 10. Provided that of the special fund appropriation for harbors administration (TRN 395), the sum of \$34,175,330 or so much thereof as may be necessary for fiscal year 2011-2012 and the sum of \$34,175,330 or so much thereof as may be necessary for fiscal year 2012-2013 shall be expended for the following purposes:

<u>Purpose</u>	<u>FY 2011-2012</u>	<u>FY 2012-2013</u>
Interest and principal on general obligation bonds	\$ 3,380,916	\$ 3,380,832
Interest and principal on revenue bonds	[\$30,794,414]	[\$30,794,498]
	<u>\$31,622,923</u>	<u>\$31,651,866;</u>

provided further that any unexpended funds shall lapse to the harbor special fund."

"SECTION 11. Provided that of the special fund appropriations for the highways division (TRN 501 - TRN 561), the following sums specified for special repair and maintenance projects in fiscal biennium 2011-2013 shall be expended for special repair and maintenance purposes only as follows:

<u>Program I.D.</u>	<u>FY 2011-2012</u>	<u>FY 2012-2013</u>
TRN 501	[\$11,520,549]	[\$11,520,549]
	<u>\$20,700,000</u>	<u>\$36,443,000</u>
TRN 511	[\$ 4,999,801]	[\$ 4,999,801]
	<u>\$ 9,500,000</u>	<u>\$16,500,000</u>
TRN 531	[\$ 6,706,973]	[\$ 6,706,973]
	<u>\$12,000,000</u>	<u>\$20,500,000</u>
TRN 561	[\$ 3,773,577]	[\$ 3,773,577]
	<u>\$ 7,000,000</u>	<u>\$12,000,000;</u>

provided further that any unexpended funds shall lapse to the state highway fund."

"SECTION 12. Provided that of the special fund appropriation for highways administration (TRN 595), the sum of \$52,811,133 or so much thereof as may be necessary for fiscal year 2011-2012 and the sum of \$51,622,774 or so much thereof as may be necessary for fiscal year 2012-2013 shall be expended for the following purposes:

<u>Purpose</u>	<u>FY 2011-2012</u>	<u>FY 2012-2013</u>
Interest and principal on general obligation bonds	\$ 8,166,474	\$ 4,820,206
Interest and principal on revenue bonds	[\$44,644,659]	[\$46,802,568]
	<u>\$44,704,860</u>	<u>\$46,703,514;</u>

provided that any unexpended funds shall lapse to the highway special fund."

Amend Part V to add two new subsections to read:

"SECTION XX. Act 162, Session Laws of Hawaii 2009, section 62, as amended by Act 180, Session Laws of Hawaii 2010, section 5, is amended:

By amending Item E-6 to read:

"6. P90032 MAUI MEMORIAL MEDICAL CENTER, NEW DIALYSIS UNIT, MAUI

PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A NEW DIALYSIS UNIT[.] AND RELATED RENOVATIONS TO ACCOMMODATE THE CONSTRUCTION OF THE NEW DIALYSIS UNIT.

PLANS	1		
DESIGN	1		
CONSTRUCTION	6,630		
EQUIPMENT	568		
TOTAL FUNDING	HTH	7,200 C	C""

"SECTION XX. Any law to the contrary notwithstanding, the appropriations under Act 200, Session Laws of Hawaii 2003, section 77, as amended and renumbered by Act 41, Session Laws of Hawaii 2004, section 5, in the amounts indicated or balances thereof, unallotted, allotted, unencumbered, or encumbered and unrequired, are hereby lapsed:

<u>"Item No.</u>	<u>Amount (MOF)</u>
K-11.01	\$319,640 C""

SENATE COMMUNICATIONS

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

Sen. Com. No. 30, transmitting H.B. No. 1077, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," which passed Third Reading in the Senate on February 22, 2011.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 63) was received by the Clerk and was placed on file:

Dept. Com. No. 63, dated February 2, 2011, from Richard C. Lim, Department of Economic Development & Tourism, pursuant to Section 108 of Act 162, SLH 2009, requesting approval to expend additional federal funds for the Hawaii Center for Advanced Transportation Technologies (HCATT), BED 143 TE, by \$2,989,494; these funds were not appropriated because the scope of the additional projects and funding from the U.S. Air Force was not known at the time of the previous legislative session.

ORDER OF THE DAY**REPORTS OF STANDING COMMITTEES**

Representatives Morita and Chang, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 266, 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 H.B. No. 266, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

Representative Thielen's written remarks are as follows:

"I oppose HB266. Relating to Water Quality Standards. The Sierra Club, Hawai'i Chapter aptly explained why we should oppose HB266 in their testimony offered on February 3, 2011. I quote:

"The Sierra Club, Hawai'i Chapter, with 8000 dues paying members and supporters statewide, **opposes** HB 266. This measure would continue an inappropriate intrusion by the Legislature into the setting of water quality standards.

The Sierra Club opposed the passage of Act 126. We felt the process should be grounded in science, not politics...Act 126 was passed largely to benefit a single polluter, the City and County of Honolulu, in an effort to reduce the amount of potential fines it would have to pay for ongoing water quality violations.

Let's ensure our residents feel confident that Hawai'i's water quality standards are designed to reasonably protect human health and our fragile marine ecosystems. Let's keep the process of establishing water quality in the hands of scientists and the public."

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

"Yes, Mr. Speaker, in opposition of this bill. What House Bill 266 does is it repeals part of Act 126 and it repeals the sunset date. I voted against the bill that became Act 126 in 2009. And really what it does in my opinion, coming from Ewa Beach it really lessens our water quality standards. And to me that's unacceptable.

"You see, even though some of the standards that they wanted to change would apply to EPA standards. And so in some people's opinions they'll say, 'Well, we kept the EPA standards.' However, our water quality should be very different than the mainland because in Hawaii we consume more fish than any other state in the nation.

"And so what the EPA did was as the State was trying to change its water quality standards the EPA said, 'Well before we approve your standards we want to see some real data regarding the fish and the fish consumption and how that relates to the water quality in the population.' And so what this does is it kind of gives, in my opinion, an easy out for the City to not uphold some of the standards that we should have.

"At the same time in 2009, the EPA was fining the City for putting untreated sewer water into Ewa Beach waters. And as someone who surfs, and canoe paddles, and swims, I found that very unacceptable that the City would not want to improve its standards.

"So I'm watching this bill very closely. I ask the Members to please thoroughly read the Sierra's Club's testimony and I will be providing some more information to this Body about why we should have higher standards than the national standards."

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

"Mr. Speaker, I stand in support. Yes, I just want to go on record to say that the purpose of the bill is to continue to support the state and working with the EPA to get the standards. In the Committee Report, it very clearly states that the Department of Health has been working on the revised water quality standards in a three phase approach and some delays have occurred.

"And while the first set of revisions was approved by the EPA, the second set of revisions has been pending with the EPA since February 16 of 2010. And a third set of revisions has not yet gone through DOH's rulemaking procedures.

"And furthermore, according to the Department of Health, the second set of revisions was orally rejected by the EPA, which cited concerns that Hawaii's fish consumption rate was higher than the national average used to calculate the human health criteria for toxic pollutants, and that Hawaii's adoptions of the national criteria would not sufficiently protect the local population within acceptable tolerance levels. As such, the Department of Health needs additional time to complete a fish consumption survey. The bottom line is this bill is just giving an extension so DOH can work with the EPA and get what we need for the State. Thank you."

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

Representative Pine rose to respond, stating:

"Just in rebuttal, Mr. Speaker. This doesn't just give an extension. It repeals any date for this to be done. And to me, that's unacceptable. Let me explain to you why they need an extension.

"Apparently in one of the reports there's a mistake in a decimal or a decimal point that was supposed to be there. So a whole year went by to fix this decimal point. And as a legislator that represents a community where there's some concerns with water quality, that means that nothing was done to get this done for an entire year, and all they worked on was a decimal point.

"We need to take this more seriously, and to me they don't deserve an extension because they didn't take this seriously enough."

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

"Thank you, Mr. Speaker. In support with reservations and a few comments. Mr. Speaker, I am concerned that this bill drops the sunset clause, but I'm also cognizant and I would like to point out that we do have a new Administration.

"It appears that the roadblocks came when the EPA sat on the February 16, 2010 revisions. I think with the new Administration with this legislation sitting on the table, we have now an Administration that is on notice that they have to move forward with these very important regulations for the health and safety of our residents.

"I would hope as this bill moves forward, as it crosses over to the Senate, that consideration for putting back in another sunset clause will be advisable so that we can keep the hammer on top of the Administration and hold them accountable to ensure that the proper water quality standards are enacted. Thank you, Mr. Speaker."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. Relating to Water Quality Standards. The proposed bill amends State water quality standards for marine waters to conform to federal standards in regards to pollutants for the protections of aquatic life in surface water and for the protection of human health for consumption.

"While this measure seeks to improve the water quality standards, non-priority pollutants in Hawaiian waters are unknown. If non-priority pollutants are adopted blindly, treatment plants will be required to initiate testing for these constituents, and if found at levels higher than the standards the facilities could be held liable for violation of these adopted standards.

"Hawaii's standards should be different due to the amount of people in the water and the high fish diet of people in the area. Laurence K. Lau, the Deputy Director of Health for the State of Hawai'i has stated that "fish consumption standards are 3.1 times more stringent than EPA Criteria, because the average daily consumption of fish locally estimated is higher

than average". The passage of this bill would lead to violations of federal standards that should not apply to Hawaii's waters. Thank you."

Representative Hanohano rose in support of the measure with reservations and asked that the remarks of Representative Belatti 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 Committees was adopted and H.B. No. 266, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Pine, Thielen and Wooley voting no, and with Representatives Carroll and Takai being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 299, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll and Takai being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 605) recommending that H.B. No. 640, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 640, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll and Takai being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 109, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll and Takai being excused.

At 12:20 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:20 o'clock p.m.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 607), recommending that H.R. No. 29, be referred to the Committee on Legislative Management; and

(Stand. Com. Rep. No. 608), recommending that H.C.R. No. 34, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 29; and H.C.R. No. 34, be referred to the Committee on Legislative Management, seconded by Representative Evans.

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

"Mr. Speaker, thank you. On both resolutions, in strong support. And I think this is very timely. I supported this last year. Audits are good for government, especially given that there's such a large percentage of our budget that goes to the Department of Education. I think that if this could result in efficiencies, and wasteful practices being identified and perhaps ameliorated. I think this is very worthy of consideration. So again, in strong support. Thank you."

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

"Yes, Mr. Speaker. I also rise in strong support of this measure and would request that the words of the Representative Lahaina be entered as my own," and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of both measures 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 strong support of H.R. 29 and H.C.R. 34. A financial and management audit of the DOE is long overdue. The large bureaucracy of the Department of Education needs to be held accountable for how its funds are spent, especially when in comparison to other states we spend more, but have yet to reap the true benefits of our investments.

"Even the Department of Education has stated their own testimony that they have, 'always welcomed independent audits by the State Auditor. If we do not hold this bureaucracy accountable for its actions we, as a state are failing our *keiki*.'"

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Legislative Management, with Representatives Carroll, Chang and Takai being excused; and

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Legislative Management, with Representatives Carroll, Chang and Takai being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 56 through 61) and concurrent resolutions (H.C.R. Nos. 63 through 69) were referred to Printing and further action was deferred:

H.R. No. 56, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII TO PROVIDE THE DELEGATES AND OFFICERS OF THE NATIVE HAWAIIAN CONVENTION WITH THE FINANCIAL AND OTHER SUPPORT NEEDED TO COMPLETE THEIR WORK," was offered by Representative Awana, by request.

H.R. No. 57, entitled: "HOUSE RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO DEVELOP AND IMPLEMENT A SUSTAINABLE PLAN TO REPAIR ALL PUBLIC HOUSING UNITS IN NEED OF MAINTENANCE," was jointly offered by Representatives Awana, Hanohano, Mizuno, Herkes and Souki.

H.R. No. 58, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SEEK AND GATHER INPUT ON REVENUE-GENERATING INITIATIVES FOR ITS BENEFICIARIES," was jointly offered by Representatives Awana, Hanohano, Mizuno, Har, Herkes and Souki.

H.R. No. 59, entitled: "HOUSE RESOLUTION URGING THE HAWAII VIRTUAL LEARNING NETWORK TO OFFER MORE ADVANCED PLACEMENT CLASSES OR GIVE PRIORITY FOR ENROLLMENT TO STUDENTS FROM SMALL OR RURAL HIGH SCHOOLS FOR THOSE ADVANCED PLACEMENT CLASSES ALREADY OFFERED BY THE NETWORK," was jointly offered by Representatives Awana, Hanohano, Herkes, Mizuno, Nishimoto and Souki.

H.R. No. 60, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE ISLANDS OF POLYNESIA," was jointly offered by Representatives Awana, Hanohano, Mizuno, Tsuji, Herkes and Souki.

H.R. No. 61, entitled: "HOUSE RESOLUTION REQUESTING HEALTH INSURERS IN HAWAII TO PROVIDE COVERAGE OR REIMBURSEMENT FOR SERVICES RELATED TO PALLIATIVE CARE," was jointly offered by Representatives M. Lee, Har, Mizuno, B. Oshiro, Choy and Ichiyama.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO PROVIDE THE DELEGATES AND OFFICERS OF THE NATIVE HAWAIIAN CONVENTION WITH THE FINANCIAL AND OTHER SUPPORT NEEDED TO COMPLETE THEIR WORK," was offered by Representative Awana, by request.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO DEVELOP AND IMPLEMENT A SUSTAINABLE PLAN TO REPAIR ALL PUBLIC HOUSING UNITS IN NEED OF MAINTENANCE," was jointly offered by Representatives Awana, Hanohano, Mizuno, Har, Herkes and Souki.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SEEK AND GATHER INPUT ON REVENUE-GENERATING INITIATIVES FOR ITS BENEFICIARIES," was jointly offered by Representatives Awana, Hanohano, Mizuno, Har, Herkes and Souki.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII VIRTUAL LEARNING NETWORK TO OFFER MORE ADVANCED PLACEMENT CLASSES OR GIVE PRIORITY FOR ENROLLMENT TO STUDENTS FROM SMALL OR RURAL HIGH SCHOOLS FOR THOSE ADVANCED PLACEMENT CLASSES ALREADY OFFERED BY THE NETWORK," was jointly offered by Representatives Awana, Hanohano, Herkes, Mizuno, Nishimoto and Souki.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE ISLANDS OF POLYNESIA," was jointly offered by Representatives Awana, Hanohano, Mizuno, Tsuji, Herkes and Souki.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HEALTH INSURERS IN HAWAII TO PROVIDE COVERAGE OR REIMBURSEMENT FOR SERVICES RELATED TO PALLIATIVE CARE," was jointly offered by Representatives M. Lee, Har, Mizuno, B. Oshiro, Choy and Ichiyama.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF PHARMACY BENEFIT MANAGEMENT COMPANIES," was offered by Representative Chong.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. This will be the last time I stand for this month on having this month, this year, on this particular subject, as Hawaiian chocolate month. I will cease and desist after this one announcement.

"But on your desks, I did just want to end with the report from the task force of this Body which passed legislation, for those of you that may be interested in this emerging industry, and to remind everybody that cacao is grown on all of the five major islands. Kapaa, Kauai; Molokai; Oahu; Keauhou, Big Island.

"We are having today a Cocoa Café in Room 330 from 1:30 p.m. to 3:00 p.m. and all proceeds will go to the Foodbank. And the festival is this Saturday from 12:00 to 5:00 p.m. at Dole Cannery and I appreciate your hospitality on this. Thank you."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
47	Committee on Public Safety & Military Affairs, then jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
48	Committee on Health, then to the Committee on Finance
49	Committee on Labor & Public Employment
50	Committee on Transportation, then to the Committee on Finance
51	Committee on Culture & the Arts
52	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
53	Committee on Judiciary
54	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
55	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
56	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
57	Committee on Housing, then to the Committee on Finance
58	Committee on Hawaiian Affairs, then to the Committee on Finance
59	Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance
60	Committee on International Affairs, then to the Committee on Finance
61	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

H.C.R.**Nos.****Referred to:****ADJOURNMENT**

- 54 Committee on Public Safety & Military Affairs, then jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
- 55 Committee on Health, then to the Committee on Finance
- 56 Committee on Labor & Public Employment
- 57 Committee on Transportation, then to the Committee on Finance
- 58 Committee on Culture & the Arts
- 59 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
- 60 Committee on Judiciary
- 61 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
- 62 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
- 63 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
- 64 Committee on Housing, then to the Committee on Finance
- 65 Committee on Hawaiian Affairs, then to the Committee on Finance
- 66 Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance
- 67 Committee on International Affairs, then to the Committee on Finance
- 68 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 69 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management

At 12:23 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 Thursday, March 3, 2011. (Representatives Carroll, Chang and Takai were excused.)

S.B.**Nos.****Referred to:**

- 219, SD1 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
- 1089, SD1 Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

H.B.**No.****Re-referred to:**

- 922 Committee on Judiciary

TWENTY-FOURTH DAY

Thursday, March 3, 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 the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Ching, McKelvey, Mizuno, Morita, M. Oshiro, Saiki and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 167 through 174 and 1101 through 1103) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 167, dated February 17, 2011, transmitting the Report on the Study, Control and Mitigation of the Bee Mite Infestation, prepared by the Department of Agriculture pursuant to Act 162, SLH 2009.

Gov. Msg. No. 168, dated February 17, 2011, transmitting the Report on the Impact of the Important Agricultural Land Qualified Agricultural Cost Tax Credit and a Quantitative and Qualitative Assessment of the Impact of the Loan Guaranty Program, prepared by the Department of Agriculture and the Department of Taxation pursuant to Act 233, SLH 2008.

Gov. Msg. No. 169, dated February 17, 2011, transmitting the Annual Report on the Agricultural Development and Food Security Special Fund, prepared by the Department of Agriculture pursuant to Act 173, SLH 2010.

Gov. Msg. No. 170, dated February 3, 2011, transmitting the Department of Agriculture's Annual Report, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 171, dated February 24, 2011, transmitting the Annual Report on the Activities of the Radiologic Technology Board for Fiscal Year 2009-2010, prepared by the Department of Health pursuant to Chapter 466J, HRS.

Gov. Msg. No. 172, dated February 24, 2011, transmitting the Annual Report on the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities for Fiscal Year 2009-2010, prepared by the Department of Health pursuant to Section 340B-12, HRS.

Gov. Msg. No. 173, dated February 24, 2011, transmitting a Report Relating to the Drinking Water Treatment Revolving Loan Fund, prepared by the Department of Health pursuant to Section 340E-33, HRS.

Gov. Msg. No. 174, dated February 24, 2011, transmitting a Report Relating to the State Water Pollution Control Revolving Fund, prepared by the Department of Health pursuant to Section 342D-82, HRS.

Gov. Msg. No. 1101, informing the House that on February 23, 2011, the following bill was signed into law:

S.B. No. 232, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS." (ACT 001)

Gov. Msg. No. 1102, informing the House that on February 23, 2011, the following bill was signed into law:

H.B. No. 1077, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW." (ACT 002)

Gov. Msg. No. 1103, informing the House that on February 23, 2011, the following bill was signed into law:

S.B. No. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET." (ACT 003)

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 64 and 65) were received by the Clerk and were placed on file:

Dept. Com. No. 64, dated February 14, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting pursuant to Section 107 of Act 162, SLH 2009, the Department of Education's request for approval to expend additional Federal Education Jobs "V" funds for the EDN 100 – School Based Budgeting by \$10,786,240, which were not appropriated because the award of funds was not made until August 10, 2010.

Dept. Com. No. 65, dated March 1, 2011, from Rodney A. Maile, Administrative Director of the Courts, The Judiciary, transmitting pursuant to Section 803-47(b), HRS, a report relating to wire, oral, or electronic communications and reports concerning pen registers and trap and trace devices based on information received from the Attorney General and the County Prosecuting Attorneys; for the calendar year 2010, the Attorney General and the Prosecuting Attorneys of Oahu, Maui, Hawaii, and Kauai report that no applications for intercepted communications were made in calendar year 2010.

INTRODUCTIONS

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

Representative Ichiyama, on behalf of Representatives M. Oshiro, B. Oshiro, Mizuno, Cabanilla and herself, introduced high school students participating in the Hawaii-Okinawa Sister-State Prefecture Student Exchange Program and their chaperones:

Mr. Kenichi Nakayoshi, Student Exchange Program Coordinator-Okinawa Board of Education;
Mr. Kazunari Hayashi and Ms. Chihiro Kinjo, Teacher/Chaperones;
Former Representative Dennis Arakaki, Hawaii Program Coordinator;
and
Ms. Lynn Miyahira, Hawaii United Okinawa Association.

Representative B. Oshiro introduced law school students from Okinawa participating in the University of the Ryukyus – UH Law Study Tour. They were accompanied by Mr. Spenser Kimura, Director of the UH Law School, and Mr. Jimmy Nelson of Representative Oshiro's office.

From Okinawa: students, Mr. Takeshi Oshiro, Ms. Risa Hirasawa, Mr. Natsuki Taira, Mr. Azusa Takeba, Mr. Shigeto Nakamura, Ms. Yukari Nagamitsu, and Ms. Masafumi Matsumura; and Professor Masanori Takeda.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 74) was announced by the Clerk and the following action taken:

H.R. No. 74, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING THE HAWAII PACIFIC UNIVERSITY SOFTBALL TEAM FOR ITS ACCOMPLISHMENTS AS THE 2010 NCAA DIVISION II NATIONAL CHAMPIONS," was jointly offered by Representatives Rhoads and Chong.

Representative Rhoads moved that H.R. No. 74 be adopted, seconded by Representative Chong.

Representative Rhoads congratulated the Hawaii Pacific University 2009-2010 Lady Sea Warrior Softball Team on winning the Division II National Championship.

Representative Rhoads then introduced the team members who were able to be in attendance:

2009-2010 team members seated on the Floor: Ms. Melissa Awa, Ms. Breanne Patton, and Ms. Caira Pires.

2009-2010 team members seated in the Gallery: Ms. Chante Tesoro, Ms. Kozy Toriano, Ms. Erin Fujita, Ms. Malia Killam, Ms. Chelsea Luckey, Ms. Ashley Valine, Ms. Ciera Senas, Ms. Pomaikai Kalakau, Ms. Casey Sugihara, Ms. Maile Kim, Ms. Ashley Fernandez, Ms. Nicole Morrow, Ms. Sherise Musquiz, Ms. Laine Shikuma and Ms. Celina Garces.

New team members seated in the Gallery: Ms. Melissa Kirby, Ms. Lauren Beard, Ms. Alyssa Ipu, Ms. Charisse Tanabe and Ms. Brittany Fenumiai.

Representative Rhoads then introduced members of the Coaching staff and Faculty:

Seated on the Floor: Head Coach, Mr. Bryan Nakasone; and Assistant Coach, Mr. Harold Okita.

Seated in the Gallery: Assistant Coaches, Mr. Roger Javillo, Mr. Jon Corrales and Mr. Richard Nomura; HPU Vice President of Administration, Mr. Rick Stepien; Athletic Director, Mr. Darren Vorderbrugge; Sports Information Director, Mr. Brent Curry; Coaches' wives, Mrs. Donna Nakasone and Mrs. Nina Okita.

The motion was put to vote by the Chair and carried, and H.R. No. 74 was adopted, with Representatives Cabanilla, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

The following resolution (H.R. No. 75) was announced by the Clerk and the following action taken:

H.R. No. 75, entitled: "HOUSE RESOLUTION CONGRATULATING THE FARRINGTON HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM FOR WINNING THE 2011 HAWAIIAN AIRLINES/HHSAA BOYS BASKETBALL DIVISION II STATE CHAMPIONSHIP," was offered by Representative Manahan.

Representative Manahan moved that H.R. No. 75 be adopted, seconded by Representative Ito.

Representative Manahan congratulated the Farrington High School Boys Varsity Basketball Team for winning the Division II State Championship and introduced members of the coaching staff:

Seated on the Floor: Head Coach, Mr. Allan Silva; and Associate Head Coach, Mr. Rocky Sauer.

Seated in the Gallery: Assistant Coaches, Mr. Kaleo Morton, Mr. Mike Quartero, Mr. Tony Callazo and Mr. Brent Bargamento.

Representative Ito also congratulated the Farrington High School Governors and introduced members of the team:

Seated on the Floor: Mr. Lancelot 'KK' Williams, and Team Captain, Mr. Viane Vaina.

Seated on the Gallery: Mr. Paul 'Kula' Solomon, Mr. Anastacio Lombawa, Mr. Clem Raogal, Mr. Bernard DeLeon, Mr. Jeffrey Madaran, Mr. Chadey Callazo, Mr. Shane Cabato-Machado, Mr. Tyler

Liana, Mr. J.P. Saycon, Mr. Bradley Parras, Mr. Keoni Kiko and Mr. Michael 'Mickey' Kleman.

Representative Ward also congratulated Coach Silva and wished he and the team members much future success.

Representative Manahan then invited Team Captain, Mr. Viane Vaina to share their team's philosophy of Aloha.

The motion was put to vote by the Chair and carried, and H.R. No. 75 was adopted, with Representatives Cabanilla, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

At 12:27 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 609), recommending that H.R. No. 10, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 10, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Souki, Takumi and Thielen being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 610), recommending that H.C.R. No. 8, 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. 8, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Souki, Takumi and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 1565, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1565, entitled: "A BILL FOR AN ACT RELATING TO STATE REHABILITATION COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 1543, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1543, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING LAW," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 1130, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1130, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 240, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 240, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 1376, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1376, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 616) recommending that H.B. No. 680, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 680, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representatives Wooley and Hanohano, for the Committee on Culture & the Arts and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 1637, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1637, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TREE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 1087, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 619) recommending that H.B. No. 319, 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 Committee be adopted, and that H.B. No. 319, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? At my law firm I do represent contractors as well as developers," 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. 319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 316, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 316, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 621) recommending that H.B. No. 716, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 716, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 44, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 44, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 354, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 468, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 468, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 141, 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 Committee be adopted, and that H.B. No. 141, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I rise with strong reservations on this measure. Thank you, Mr. Speaker. This bill primarily affects property crimes and takes the repeat-offender status away from those kinds of crimes. As a police officer I dealt with this many, many times where we had people that have gone out and habitually burglarized homes or have stolen cars all to fuel their drug habit or whatever the case may be. And I feel that we need to have that repeat-offender status for those kinds of offenses because of the fact that we do have these people that are just habitual criminals. Thank you."

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

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

"Reservations, and may the words of the Maui Police Captain be as my own because of that revolving door, Mr. Speaker."

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

"Thank you, very much. Not to follow my brother from another mother, but also with reservations. And my concerns are similar to his, but also I think this will blow a huge hole in the State's budget by allowing sentences that have already been running, or are being served to now come under this law. I just have a lot of concerns. Let's see what the Senate does."

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

"I will vote with reservations and would like the words of the Representative from Maui."

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

"Mr. Speaker, I rise in support. Very briefly, I think the prior speaker was talking about a different bill. This has to do with consecutive versus concurrent imprisonment terms, not the repeat offender statute. So when a judge issues their sentence, they either say that the terms, if there are multiple charges and multiple convictions, are either going to be served consecutively or concurrently. That's the discretion of the judge. They have that discretion.

"This doesn't take away that discretion. But what this does say is that when the judge doesn't make it clear which one he's deciding, or she's deciding, then at that point the presumption is that it will be concurrent.

And this is because for 20 years, that's how everything operated. Nobody knew any differently. So anytime it was silent, they always thought it was concurrent.

"However two years ago, somebody looked at the books and said, 'Hey, that's not really what the statute says.' And so two years ago, we actually had to figure it out. We passed a law that worked prospectively. This actually is going for retrospective. Thank you."

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

"Thank you, Mr. Speaker, with all due respect to the words of the Majority Leader, please note my reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 108, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 108, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 1112, 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 Committee be adopted, and that H.B. No. 1112, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Awana 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. 1112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 242, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 439, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 1007, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1007, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 631) recommending that H.B. No. 241, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 1221, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1221, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 381, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 1244, 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 Committee be adopted, and that H.B. No. 1244, HD 1, pass Second Reading and be placed on the calendar for Third Reading, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLEMNIZATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 635) recommending that H.B. No. 618, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 636) recommending that H.B. No. 1155, 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 Committee be adopted, and that H.B. No. 1155, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Yes, the remarks that I gave on the previous page for Stand. Com. Rep. No. 625 should be inserted on this one. That is my argument for this one. Thank you."

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

"Same request, with reservations."

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

"Same request."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representative Cabanilla, Carroll, Ching, C. Lee, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen were excused.)

At this time, the Chair announced:

"Members, before the motion is made on these measures that are for Third Reading, at the request of our colleagues, Stand. Com. Report No. 639, HB No. 546 will be deferred one legislative day. So we'll take it up tomorrow."

REPORTS OF STANDING COMMITTEES

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 922, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 922, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 42 ayes, with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 122, 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 H.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 42 ayes, with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 546, pass Third Reading.

By unanimous consent, action was deferred one legislative day.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 968, 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 H.B. No. 968, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Third Reading by a vote of 42 ayes, with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

At 1:08 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 922
H.B. No. 122, HD 1
H.B. No. 968, HD 1

THIRD READING

H.B. No. 266:

Representative B. Oshiro moved that H.B. No. 266, pass Third Reading, seconded by Representative Evans.

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

Representative Belatti 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 H.B. No. 266, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY

STANDARDS," passed Third Reading by a vote of 38 ayes to 4 noes, with Representatives Belatti, Hanohano, Pine and Wooley voting no, and with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

H.B. No. 299, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL," passed Third Reading by a vote of 42 ayes, with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

H.B. No. 640, HD 1:

Representative B. Oshiro moved that H.B. No. 640, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, in support, but I do have some concerns and I'd like to insert written comments into the Journal. But the concerns are in the part of the language where it says, 'any action taken in the bill.' I just want to make sure we clarify what that is. And I think the effective date is 2050 so we have a lot of time to research that, but hopefully we can flush those things out in Conference. Thank you, Mr. Speaker."

Representative Tokioka's written remarks are as follows:

"Thank you Mr. Speaker, for allowing me to submit written remarks for Third Reading on HB 640 and to do so with reservations.

"My concerns in regards to this measure stem from the definition of what "any action" means or can be defined/applied to.

"The term "any action" is too vague and may inadvertently cause irreparable harm in certain instances. For example, in the case of sensitive issues such as a legal and/or personnel issues, (sexual harassment etc.), those issues should not be discussed in open Session."

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

"Please note my reservations, Mr. Speaker, and I will reserve comment, should the bill come through after Conference. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 640, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Third Reading by a vote of 42 ayes, with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

H.B. No. 109, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW," passed Third Reading by a vote of 42 ayes, with Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen being excused.

At 1:11 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 266
H.B. No. 299, HD 1
H.B. No. 640, HD 1
H.B. No. 109, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 62 through 73) and concurrent resolutions (H.C.R. Nos. 70 through 81) were referred to Printing and further action was deferred:

H.R. No. 62, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO STUDY THE ESTABLISHMENT OF A STATEWIDE COMMUNITY LAND TRUST TO PROMOTE HOMEOWNERSHIP OPPORTUNITIES IN HAWAII," was jointly offered by Representatives Fontaine, Ching, Johanson, C. Lee, Marumoto, McKelvey, Morikawa, Pine, Souki, Thielen and Ward.

H.R. No. 63, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS AND WEBCASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was jointly offered by Representatives Yamashita and Tokioka.

H.R. No. 64, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO OFFER ONLINE INSTRUCTION TO MIDDLE AND HIGH SCHOOL STUDENTS IN THE PUBLIC SCHOOL SYSTEM," was offered by Representative Nishimoto, by request.

H.R. No. 65, entitled: "HOUSE RESOLUTION URGING CHARITABLE ORGANIZATIONS THAT ACCEPT DONATIONS OF USED MOTOR VEHICLES TO OFFER INFORMATION TO DONORS ON TITLE TRANSFER PROCEDURES AND OFFER TO TRANSFER THE MOTOR VEHICLE'S TITLE FOR THE DONOR," was offered by Representative Nishimoto, by request.

H.R. No. 66, entitled: "HOUSE RESOLUTION URGING THE MAYOR AND THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REPLACE ALL THE CESSPOOLS AND SEPTIC TANKS IN EWA AND HONOULIULI AND CONNECT THESE COMMUNITIES TO THE CITY SEWER SYSTEM," was jointly offered by Representatives Cabanilla and Hanohano.

H.R. No. 67, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH (DOH) TO OPEN THE DOH PARKING LOT NEAR THE CORNER OF BERETANIA AND PUNCHBOWL STREETS FROM 6 P.M. TO 6 A.M. TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was jointly offered by Representatives Cabanilla, Hanohano and Chang.

H.R. No. 68, entitled: "HOUSE RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO OPEN THE KAKAOKO WATERFRONT PARK PARKING LOT FROM 6 P.M. TO 6 A.M. TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was jointly offered by Representatives Cabanilla, Hanohano, Chang and Yamashita.

H.R. No. 69, entitled: "HOUSE RESOLUTION CONVENING A TASK FORCE TO IDENTIFY AND SECURE A SITE SUITABLE FOR BUILDING FLOATS, STORING MATERIALS, AND SETTING UP DISPLAYS FOR PARADES AND MAJOR CELEBRATORY EVENTS," was jointly offered by Representatives Choy, Brower, C. Lee, McKelvey, B. Oshiro, Wooley, Aquino, Chang, Nakashima, Nishimoto, Tokioka and Tsuji.

H.R. No. 70, entitled: "HOUSE RESOLUTION URGING THE COMMERCIAL AIRLINE INDUSTRY TO EXTEND VARIOUS COURTESIES TO MEMBERS OF THE UNITED STATES ARMED SERVICES WITH MILITARY ORDERS WHO ARE TRANSPORTED BY COMMERCIAL AIRCRAFT, IN RECOGNITION OF THEIR SERVICE TO THE PEOPLE OF THE UNITED STATES AND AS AN EXPRESSION OF GRATITUDE AND APPRECIATION," was jointly offered by Representatives Awana, Hanohano, Mizuno, Har, Herkes, Ichiyama and Souki.

H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was offered by Representative B. Oshiro.

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. DEPARTMENT OF LABOR TO EXAMINE FEDERAL LAWS AND REGULATIONS TO ALLOW STATES TO MORE READILY ENACT UNEMPLOYMENT COMPENSATION-RELATED LAWS THAT ALLOW FEAR OF DOMESTIC OR SEXUAL VIOLENCE TO BE A VALID REASON FOR NOT ACCEPTING SUITABLE WORK," was jointly offered by Representatives Cullen, Aquino, M. Lee, Manahan and Rhoads.

H.R. No. 73, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO ADDRESS THE JURISDICTIONAL DISPUTES BETWEEN THE STATE AND THE COUNTIES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF ROADWAYS," was offered by Representative Souki.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO STUDY THE ESTABLISHMENT OF A STATEWIDE COMMUNITY LAND TRUST TO PROMOTE HOMEOWNERSHIP OPPORTUNITIES IN HAWAII," was jointly offered by Representatives Fontaine, Pine, Ching, Johanson, C. Lee, Marumoto, McKelvey, Morikawa, Souki, Thielen and Ward.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAKE HUMAN PAPILLOMAVIRUS IMMUNIZATION AVAILABLE TO INDIGENT PATIENTS AND THROUGH THE TEEN VAX PROGRAM, AND URGING INSURERS TO OFFER COVERAGE FOR HUMAN PAPILLOMAVIRUS IMMUNIZATION TO FEMALE POLICYHOLDERS ELEVEN TO TWENTY-SIX YEARS OF AGE," was jointly offered by Representatives Yamane, Belatti, Hanohano, Ichiyama, Jordan, M. Lee, Morikawa, Morita, Wooley and Evans.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY ON THE RESULTS AND IMPACT OF ACT 10, SESSION LAWS OF HAWAII 2008, AS WELL AS OTHER INFORMATION SECURITY PROPOSALS," was jointly offered by Representatives Takai, Belatti, Chang, McKelvey, Nishimoto, Brower, Johanson, M. Lee, Pine, Souki and Tokioka.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR AND THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REPLACE ALL THE CESSPOOLS AND SEPTIC TANKS IN EWA AND HONOULIULI AND CONNECT THESE COMMUNITIES TO THE CITY SEWER SYSTEM," was jointly offered by Representatives Cabanilla and Hanohano.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH (DOH) TO OPEN THE DOH PARKING LOT NEAR THE CORNER OF BERETANIA AND PUNCHBOWL STREETS FROM 6 P.M. TO 6 A.M. TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was jointly offered by Representatives Cabanilla, Hanohano and Chang.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO OPEN THE KAKAOKO WATERFRONT PARK PARKING LOT FROM 6 P.M. TO 6 A.M. TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was jointly offered by Representatives Cabanilla, Hanohano, Chang and Yamashita.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO IDENTIFY AND SECURE A SITE SUITABLE FOR BUILDING FLOATS, STORING MATERIALS, AND SETTING UP DISPLAYS FOR PARADES AND MAJOR CELEBRATORY EVENTS," was jointly offered by Representatives Choy, Brower, C. Lee, McKelvey, B. Oshiro, Aquino, Chang, Nakashima, Nishimoto, Tokioka, Tsuji and Wooley.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COMMERCIAL AIRLINE INDUSTRY TO EXTEND VARIOUS COURTESIES TO MEMBERS OF THE UNITED STATES ARMED FORCES WITH MILITARY ORDERS WHO ARE TRANSPORTED BY COMMERCIAL AIRCRAFT, IN RECOGNITION OF THEIR SERVICE TO THE PEOPLE OF THE UNITED STATES AND AS AN EXPRESSION OF GRATITUDE AND APPRECIATION," was offered by Representative Awana.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was offered by Representative B. Oshiro.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER LARGE SCALE DOG BREEDERS SHOULD BE LICENSED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was jointly offered by Representatives B. Oshiro, McKelvey, Thielen, Herkes and Keith-Agaran.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. DEPARTMENT OF LABOR TO EXAMINE FEDERAL LAWS AND REGULATIONS TO ALLOW STATES TO MORE READILY ENACT UNEMPLOYMENT COMPENSATION-RELATED LAWS THAT ALLOW FEAR OF DOMESTIC OR SEXUAL VIOLENCE TO BE A VALID REASON FOR NOT ACCEPTING SUITABLE WORK," was jointly offered by Representatives Cullen, Aquino, M. Lee, Manahan and Rhoads.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO ADDRESS THE JURISDICTIONAL DISPUTES BETWEEN THE STATE AND THE COUNTIES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF ROADWAYS," was offered by Representative Souki.

ANNOUNCEMENTS

Representative Morikawa: "Thank you, Mr. Speaker. I'd just like to tell you that during the month of February, I learned a lot about chocolate. And the chocolate you see before you, if you haven't eaten it yet, is from Kauai. I just discovered this Kauai Chocolate Company. I just wanted to give it to you to celebrate Hawaii Girls Day, and to kiss February Chocolate Month good bye. Thank you."

Representative C. Lee: "Thank you, Mr. Speaker. I just want to announce that among us today, there's a man of great talent, and a man of great ability who has taken the time repeatedly, and I emphasize repeatedly, to serenade us in this Chamber. If you notice, he's wearing a lei today and that's because today is his birthday. I'd like to congratulate and wish the good Representative from Waikiki all the best and ask that we applaud him on this 30-something birthday."

Representative Ichiyama: "Thank you, Mr. Speaker. I just wanted to also acknowledge my colleague, Representative Hashem who is also celebrating a birthday today. So we have twins. Thank you."

Representative M. Lee, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of

hearing the following measures on Thursday, March 3, today, at 3:15 p.m. in Conference Room 308, and the Chair "so ordered."

HB No. 1431 Relating to Covenants;
HB No. 1584, HD 1, Establishing a Commission to Explore Opportunities to Foster International Relationships;
HB No. 397, HD 2, Relating to Lands Controlled by the State;
HB No. 608, HD 2, Relating to Health;
HB No. 614, HD 1, Relating to Children;
HB No. 688, HD 1, Relating to Education; and
HB No. 566, HD 1, Relating to Taxation.

COMMITTEE REASSIGNMENTS

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

H.B. No.

Re-referred to:

613 Committee on Health, then to the Committee on Judiciary

H.R. No.

Re-referred to:

45 Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

H.C.R. No.

Re-referred to:

52 Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

ADJOURNMENT

At 1:14 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, Friday, March 4, 2011. (Representatives Cabanilla, Carroll, Ching, Mizuno, Morita, M. Oshiro, Saiki, Takumi and Thielen were excused.)

TWENTY-FIFTH DAY

Friday, March 4, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Ching, Marumoto, McKelvey, M. Oshiro, Saiki and Takumi, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 31 through 45) were received and announced by the Clerk:

Sen. Com. No. 31, transmitting S.B. No. 777, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 32, transmitting S.B. No. 1055, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 33, transmitting S.B. No. 1061, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 34, transmitting S.B. No. 1062, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 35, transmitting S.B. No. 1063, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 36, transmitting S.B. No. 1064, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 37, transmitting S.B. No. 1075, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 38, transmitting S.B. No. 1077, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 39, transmitting S.B. No. 1083, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 40, transmitting S.B. No. 1084, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 41, transmitting S.B. No. 1085, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 42, transmitting S.B. No. 1095, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 43, transmitting S.B. No. 1096, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 44, transmitting S.B. No. 1356, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 3, 2011.

Sen. Com. No. 45, dated March 3, 2011, informing the House that the Senate has on February 23, 2011, agreed to the amendments proposed by the House to the following Senate Bill and that said bill has this day passed Final Reading:

S.B. No. 8, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION."

At 12:10 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:10 o'clock p.m.

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

S.B. No. 777, SD 1
S.B. No. 1055, SD 1
S.B. No. 1061, SD 1
S.B. No. 1062, SD 1
S.B. No. 1063, SD 1
S.B. No. 1064, SD 1
S.B. No. 1075, SD 1
S.B. No. 1077, SD 1
S.B. No. 1083, SD 1
S.B. No. 1084, SD 1
S.B. No. 1085, SD 1
S.B. No. 1095, SD 1
S.B. No. 1096, SD 1
S.B. No. 1356, SD 1

INTRODUCTIONS

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

Representative B. Oshiro introduced members of the community association management company, Associa, including Certified Management Company and Hawaii First.

Representative C. Lee introduced the legislative shadows participating in the Ag Leadership Day:

Mr. Kai Fox, Aquaponics Specialist and Post-Doctoral researcher at CTAHR;

Ms. Joan Yoshioka, Director of the State Plant Extinction Prevention Program;

Ms. Luella Costales, Executive Director of the Hawaii Farm Bureau Federation;

Ms. Lydi Morgan-Bernal, School Garden Coordinator for the Kokua Hawaii Foundation, and Vice-President of the Hawaii Farmers Union;

Mr. Matt Johnson, Owner of Sustain Pro-Management and Co-owner of Oahu Fresh market delivery service;

Ms. Michelle Galimba, Ranch Manager with Kuahiwi Ranch, Big Island, and President of the Hawaii Cattlemen's Association;

Mr. Palo Luckett, Founder of Pacific Light and Power, which is expanding renewable energy on Kauai;

Mr. Perry Kealoha, Senior Land Asset Manager with Kamehameha Schools Land Asset Division; and

Ms. Kim Coffee-Isaac, Executive Director of the Agriculture Leadership Foundation of Hawaii.

Representative Herkes gave his aloha to Dr. Michele Galimba who left the University of California to be a rancher in Ka'u.

Representative Wooley also welcomed Ms. Lydi Morgan-Bernal, her legislative shadow for the day.

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 12:40 o'clock p.m., with Vice Speaker Manahan presiding.

ORDER OF THE 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 House Bills for Third Reading by consent calendar. (Representatives Cabanilla, Ching, C. Lee, Marumoto, McKelvey, Saiki and Takumi were excused.)

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 546, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 546, pass Third Reading, seconded by Representative Evans.

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

"I rise in opposition. Mr. Speaker, I see this bill as well-intentioned in trying to make our society a better place. I fear that it may go too far and have unintended consequences. I think sometimes when we create laws and pass things, we limit what may be appropriate in the future. It seems to me that this bill is sufficiently vague that it could create issues where it really will affect businesses. I don't know how we can tell them what they can and cannot do in every single way and how these laws may affect them.

"So I have some grave concerns about a business owner's ability to operate his business on a day-to-day basis because I do believe this bill is a little too vague for what it's attempting to do. So I'm voting no. Thank you."

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

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

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

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

"With reservations and some comments. Just to elaborate a little further regarding what the Representative from the North Shore said. This is from the Hawaii Chamber of Commerce and I'd like to read some of their comments regarding this bill. They do apologize for not commenting on this bill earlier.

"Their Human Resources Committee met after the fact and are not opposed to the bill in concept. They support a person's freedom and desire to express his or her gender identity, but they do have concerns when it comes to enforcing this in a work place. These are the concerns that they hope that this Body will consider should it come back to the House of Representatives.

"There should be flexibility, and it should also be based on the employer. They really believe that legislation is not needed at this time. Employers should have the ability to apply gender-based grooming standards on employees. The employee should have to adhere to either male or female dress code grooming and daily habits. The employee in question should be held to only one gender and does not have the freedom to change back and forth on a day-to-day basis. There should be consistency in appearance of the employee.

"Regarding bathroom usage, this should be clearly identify and adhered to based on the gender or grooming standard applicable to the employee. The employer may choose which grooming standard to adhere to if there is any question.

"So the Chamber of Commerce, again they apologize for not giving comments earlier, but they do also see that this bill is quite vague and could have unintended consequences for them."

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

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

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

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

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

"Mr. Speaker, I wanted to ask for a ruling on a potential conflict. My wife works in human resources," and the Chair ruled, "no conflict."

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

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

"Mr. Speaker, I rise in support. I'll just be very brief. I'm surprised that people find there is vagueness in this bill. This language is taken directly from already existing law under HRS 706-662 having to do with hate crimes, as well as public accommodation's laws HRS 489-2. So in terms of

the vagueness and that question, I'm not really sure where that is coming from since that already is the existing law.

"Secondly, I believe it's already the existing practice being enforced by the Hawaii Civil Rights Commission. It's already something that they are administering through their Administrative Rules so really nothing has changed in terms of employers or businesses.

"Thirdly, I think this is important because under the United States Supreme Court case of *Price Waterhouse v. Hopkins*, they've already determined that sex discrimination includes gender identity and expression. We already have this law that's out there on the federal level, and we already have it on the administrative level. All we're doing is making it conform on the State statute level so we don't have confusion. Because the worst thing is when businesses think there's one standard out there and then there's another one that's being applied. So we're just making it consistent. Thank you."

Representative Pine rose to respond, stating:

"Just in rebuttal. I do want to thank the previous speaker for the clarification. You know, there's a lot of bills that are not heard in this, the House of Representatives, because some people claim that there's already a federal law therefore that this bill is not needed. So it seems like this bill is not needed. So I think we should make that point."

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

"Mr. Speaker, with reservations. Unless this is imaginary, for the small businesses there's an actual case. It is anecdotal. There's no study, but where a business had a transgendered person and because of the inability to use one bathroom or the other because of other employee pressures, the employer built a third one.

"Now what the meaning of all that is, and in terms of this legislation, we don't know because of what the first speaker said, the unintended consequences. But that's a reality. That was a Honolulu-based business and it's something that we have to consider. For those reasons, I have reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 546, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Third Reading by a vote of 42 ayes to 2 noes, with Representatives Johanson and Riviere voting no, and with Representatives Cabanilla, Ching, C. Lee, Marumoto, McKelvey, Saiki and Takumi being excused.

At 12:48 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 546

REPORTS OF STANDING COMMITTEES

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 1067, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 641 on H.B. No. 1067, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1067, HD 1, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 1053, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 642 on H.B. No. 1053, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1053, HD 1, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 1520, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 643 on H.B. No. 1520, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1520, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 1517, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 644 on H.B. No. 1517, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1517, HD 1, were made available to the Members of the House.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 904, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 645 on H.B. No. 904, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 904, HD 2, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 1095, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 646 on H.B. No. 1095, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1095, HD 2, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 1096, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 647 on H.B. No. 1096, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1096, HD 1, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 648) recommending that H.B. No. 1098, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 648 on H.B. No. 1098, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1098, HD 1, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 616, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 649 on H.B. No. 616, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 616, HD 2, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No. 597, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 650 on H.B. No. 597, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 597, HD 1, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 238, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 651 on H.B. No. 238, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 238, HD 2, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 652) recommending that H.B. No. 1093, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 652 on H.B. No. 1093, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1093, HD 1, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 1094, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 653 on H.B. No. 1094, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1094, HD 1, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 1486, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 654 on H.B. No. 1486, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1486, HD 1, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 805, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 805, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, I rise in opposition to this measure. This is the repeal of the income tax credit for high technology and I have three reasons for voting no.

"First, it's an infant industry. This takes away the infant formula. Our high tech industry is just starting to grow and this is going to pull back the incentive and discourage the capital to get into that industry. We're breaking our word for those who did make their investment.

"And thirdly, this is clearly tax bill number one for the increases that we're going to be doing today. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 805, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Thielen and Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 656) recommending that H.B. No. 793, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 793, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Rep. No. 656 if I may? I also wish to register a no vote and say that this is tax increase number two for the day."

Representative Pine 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. 793, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 657) recommending that H.B. No. 1089, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 1091, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1091, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 659) recommending that H.B. No. 1252, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1252, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT FACILITIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 660) recommending that H.B. No. 1319, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROGRESSIVE TAX REFORM TASK FORCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 1626, 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 Committee be adopted, and that H.B. No. 1626, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 661, I just want to note my reservations and a couple comments. I do sympathize with this issue because I do have some private roads in my district. However, this does take away funds from the State Highway Fund. But also what I'm concerned about is that basically it would allow a county to use the fuel tax to pay for private roads, and I think it's more appropriate for that particular county in question, for their County Council to vote to adopt those private roads as their own. But for some reason, they are supporting this measure and choosing not to take the route that they have the power to take. So that is my concern."

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

"In strong support. As far as what the previous speaker said, a lot of the roads in Ocean View and lower Puna were built long before standards. The County cannot adopt them. Thank you."

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

"Thank you, Mr. Speaker, on Standing Committee Report 661, please note my reservations and just a few comments, please. Mr. Speaker, we had extensive discussion on this particular measure in the Finance Committee, and the fact here is that pursuant to Chapter 46-80.5 the counties already have the express authority to do this. They can create something called the Community Facilities District, and once that district is identified, the residents of that district are assessed a certain fee to pay for whatever infrastructure improvements are needed for that particular district.

"And so that really is the way we should be going. I think that this bill is unnecessary. Moreover there were some concerns that we did not have testimony from all of the Council Members, and we did not have testimony from the Mayor of the County as well. Moreover I just think this sets bad precedent to be passing bills to this extent when again the counties already have the ability to do this expressly in statute. Thank you, Mr. Speaker."

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

"Reservations, please. I think we have plenty of State highways that are neglected and in desperate need of work. I would suggest that be the top priority for the State Highway Funds. Thank you."

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

"In strong support. As a rebuttal for our Representative Har. I talked to the County Mayor, Billy Kenoi. He's in agreement with the bill and so are all of the County Council Members. Last summer they passed out a Resolution to look at these issues to fix the roads, and this is what came out of it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAXES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 662) recommending that H.B. No. 404, as

amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 404, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 562, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 562, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE MONEYS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 664) recommending that H.B. No. 744, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 665) recommending that H.B. No. 794, 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 Committee be adopted, and that H.B. No. 794, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, please note my no vote for this measure. It's tax increase number three for the day."

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

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

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

Representative Thielen 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. 794, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 808, 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 Committee be adopted, and that H.B. No. 808, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Thank you. Mr. Speaker, on Stand. Com. Rep. No. 666 which is House Bill 808, Relating to the Conveyance Tax, I'm going to ask the Clerk to record a no vote for me. I would encourage Members to please look at this. It temporarily suspends the distribution of a portion of the Conveyance Tax to the Land Conservation Fund. And when you look at the people who testified in opposition, the names practically take up a half a page of the Committee Report with the opponents of this measure. So I would ask colleagues to look at this and consider whether or not the bill should move forward. I think it shouldn't in this form. Thank you."

Representative Riviere 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.B. No. 808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 814, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 814, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 840, 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 Committee be adopted, and that H.B. No. 840, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, please note my no vote for tax increase number four for the day."

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

"I just want to note my reservations on this liquor tax increase and a couple of comments. While I don't really drink a lot, I'm very concerned at how this will affect our tourism industry. While the tax increase did go from 50% to 20%, it still is an additional tax increase on the level of taxation that we're taxing liquor at which is one the highest in the nation. And I'm very concerned about how that would affect from the tourism industry and then to jobs."

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

"Mr. Speaker. May I make a request for a ruling on a potential conflict? My potential conflict is that I'm an importer of liquor and I'm willing to sacrifice paying the 20% increase," and the Chair ruled, "no conflict."

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

Representative Fontaine 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.B. No. 840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 669) recommending that H.B. No. 973, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 670) recommending that H.B. No. 1060, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 671) recommending that H.B. No. 418, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 418, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LAW," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 672) recommending that H.B. No. 564, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 564, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 673) recommending that H.B. No. 795, 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 Committee be adopted, and that H.B. No. 795, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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. 795, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 674) recommending that H.B. No. 1267, 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 Committee be adopted, and that H.B. No. 1267, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

Representative Belatti 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. 1267, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 1270, 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 Committee be adopted, and that H.B. No. 1270, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, please note my no vote for tax increase number five for the day."

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

Representative Fontaine 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.B. No. 1270, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 575, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 575, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 79, as

amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 79, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 853, 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 Committee be adopted, and that H.B. No. 853, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker. I promised a certain individual on the Finance Committee that I wouldn't vote no as I did there. I voted no with reservations, and now I'll vote with reservations because I think this is probably one of the worst ideas of getting our Governor as the Chairman of the Board. And I know it's Chairman of the Board of a bank with political appointees as the Board Chair. That was the original bill. Now it's a study. But in terms of this State getting into the bank and its financial condition in these economic times, I think is an idea whose time should never have come at this particular point. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 853, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BANK OF THE STATE OF HAWAII," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 679) recommending that H.B. No. 799, 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 Committee be adopted, and that H.B. No. 799, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Please note my no vote for tax increase number six."

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

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

Representative Cullen 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.B. No. 799, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 680) recommending that H.B. No. 306, 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 Committee be adopted, and that H.B. No. 306, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, please register a no vote for me on this tax increase number eight for the day. Thank you."

Representative Pine 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. 306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 681) recommending that H.B. No. 1092, 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 Committee be adopted, and that H.B. No. 1092, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

At this time, Representative Ward moved to table Stand. Com. Rep. No. 681, seconded by Representative Pine.

At 1:00 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:03 o'clock p.m.

At this time, the Chair announced:

"Members, prior to the recess there was a subsidiary motion to table Stand. Com. Rep. No. 681. It is a subsidiary motion therefore there is no debate. The Chair will call for the question at this time and it will be a voice vote."

The motion to table Stand. Com. Rep. No. 681, was put to vote by the Chair and upon a voice vote, failed to carry. (Representatives Cabanilla, Ching, C. Lee, Marumoto, McKelvey, Saiki and Takumi were excused.)

(Main Motion)

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

"Mr. Speaker. I was going to have a speech for the motion to table this, but I think I'll save that for another day being that this is going to come up on Third Reading. I think we're heading in the wrong direction. And as AARP said very strongly and very succinctly in the Finance Committee, 'Don't come onto our territory with any tax.'

"Even though now this has lifted rather high up and people are saying, 'I'm escaping any taxation.' It's throwing in Social Security. It's throwing everybody in the hopper which at any time in the future this Body, between now and *Sine Die*, or any future legislation or legislature can push it down to where everybody gets it. And that was what the Governor started out with. \$37,500.

"With social security and pensions, as our esteemed colleague who is not here from East Honolulu said, 'This is almost cruel.' Now it's almost, not cruel, but in terms of getting on the playing field of taxing seniors even though these are seniors who supposedly have high incomes. Mr. Speaker, these are the guys who worked all their life to get where they are today so they could retire and we're saying we're changing the rules on you now.

"And I know you can't make this prospective, or maybe we could, but it's something that as AARP and a lot of us in this Caucus believe, we're heading down the wrong track with this. Thank you."

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

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

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

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

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

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

Representative Ward rose to respond, stating:

"May I add that this is tax increase number seven for the day. Thank you."

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

"Mr. Speaker, in support. I would just like to say to those who are opposed to this that the onus is really up to you now to determine where you're going to take the cuts to make up for this funding. When I look at my district and the fact that vector control is gone. You have rats in Chinatown now that the inspectors gone. So many of them are gone that it's harmful to business because we can't export our agricultural products. Or when our elevators aren't being inspected on a regular basis because we don't have the funds to do it.

"And of course the big one is Furlough Fridays for teachers. We did not have full school year last year because the decisions we made were to cut instead of to raise taxes.

"So it seems to me at this stage, the responsible thing to do is if you're going to fight tax increases, then you need to come up with the cuts to replace the lost funding. Mahalo."

Representative Ward rose, stating:

"Brief rebuttal."

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

"Point of order, Mr. Speaker. This is his third time standing."

Representative Pine rose to respond, stating:

"I just want to expand on what he was supposed to say. The Minority Caucus will be coming out with an alternative budget. What's made it very difficult to come out with it sooner is that we haven't had true access to all the budget sheets. We will be just getting them this weekend. For those of you that have been on Finance, it's more than a novel. It's like 10 novels in one. And so to translate that into an Excel spreadsheet in a day is going to be very difficult when others have had months to work with this.

"We're very happy to work with the Majority to prevent, especially our elderly who have planned all of their lives and made crucial decisions at every point in their lifetime to decide to retire here, and be with their families here, to prevent them from being taxed. We believe that in principle, that taxing people who have already made these plans, and now

when many of them are too old to change their decisions or to go back to work is cruel, at any level.

"We do believe that taxing pensions opens the door for continuing to increase things. Just as we are in all these other tax increases we kept increasing the taxes on alcohol, increasing or reducing the amount of deductions that you can take. So it is a philosophy and we believe that this sets a precedent and a belief that pensions should be taxed."

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

"Thank you, Mr. Speaker. I rise in support. Thank you. I appreciate the conversation that we had so far, but there is one thing that has not come up and it actually is something that made me pause and think. A lot of small business owners, they actually wonder why they get taxed. They work really, really hard. They save. They have their savings plans, and they work really hard, and they get taxed. So they believe that we should definitely consider the idea of taxing pensions.

"I think they're sensitive to the fact, and I think our Finance Chair also was very sensitive to the fact that some people plan and they have these fixed incomes. So the Finance Committee took that into consideration and raised who we were going to tax. They raised it to very high level. So I think that they're trying to reach that balance, and I think the fact that we're moving it forward for further discussion is a good idea.

"Talking to the small business community and understanding that they want to have equality and fairness in taxation needs to be considered in this discussion. So I think let's keep it moving forward, and obviously the public is going to talk to their State Representatives and give us a lot more input on this topic. Thank you."

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

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

Representative Har 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. 1092, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no, and with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 682) recommending that H.B. No. 273, 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 Committee be adopted, and that H.B. No. 273, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Pine 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. 273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

At 1:12 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:12 o'clock p.m.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 1140, 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 Committee be adopted, and that H.B. No. 1140, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker, I rise in strong reservations on this measure. Although the bill got amended to only include commercial arbitration, basically what happens is if you have a case that goes to arbitration and one side can't pay the bill, you're automatically in default. So I think that this is a little bit harsh. I think that if we're going to try to address something like this, we should look at maybe something that isn't so strong as a default. Thank you."

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

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

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

"Thank you, Mr. Speaker. Please note my reservations. Again, it doesn't seem that the merits of what's being arbitrated are being addressed. So for those reasons, I have some concerns about this measure. Thank you."

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

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

"Yes, Mr. Speaker. With reservations because if this is a bill that says, 'justice bought is justice denied,' I don't think we should have anything to do with it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 747, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 254, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC

ORDER," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 1138, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 687) recommending that H.B. No. 1654, 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 H.B. No. 1654, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 484, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 484, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 689) recommending that H.B. No. 1552, 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 H.B. No. 1552, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 690) recommending that H.B. No. 1620, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1620, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Ching, C. Lee, McKelvey, Saiki and Takumi being excused.

At 1:15 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1654, HD 1
H.B. No. 484
H.B. No. 1552, HD 1
H.B. No. 1620

THIRD READING

H.B. No. 1565:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1565, entitled: "A BILL FOR AN ACT

RELATING TO STATE REHABILITATION COUNCIL," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi being excused.

H.B. No. 1543:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1543, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING LAW," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi being excused.

H.B. No. 1130:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1130, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi being excused.

H.B. No. 240:

Representative B. Oshiro moved that H.B. No. 240, pass Third Reading, seconded by Representative Evans.

Representative M. Lee rose 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 240, regarding prostitution.

"The purpose of this bill is to combat prostitution by providing witnesses in cases involving the promotion of prostitution with the highest priority to receive government security and protection.

"I urge the Members' support."

The motion was put to vote by the Chair and carried, and H.B. No. 240, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi being excused.

H.B. No. 1376:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1376, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi being excused.

H.B. No. 680:

Representative B. Oshiro moved that H.B. No. 680, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In opposition. Thank you. I'd just like to point out to Members that in the Committee Report there's a number of groups in opposition including the Office of Hawaiian Affairs, Sierra Club Oahu Group, The Outdoor Circle, and many, many individuals.

"Now while I understand the concern that the CPAC may not be an effective body, I would point to the testimony of the OHA which suggest that rather than completely deleting wholesale the community input process through the CPAC, that, "while democracy can be a difficult, often frustrating and time consuming process, despite this difficulty a commitment to refining a more democratic process is at the core of building a more participatory and equitable society."

"In the testimony of HCDA, we in fact do see suggested amendments to ensure that public comment, community participation, and public notice be provided. So I would urge that as this measure passes over to the Senate that some of these considerations be looked at so that rather than wholesale deletion of a mechanism to enable community input and participation, we look at ways to make that participation more effective to address the concerns of the CPAC. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition and I'd like to adopt the words of the Representative from Makiki as my own, and reiterate that the Hawaii Community Development Authority's testimony had suggested amendments that would have demonstrated a continued commitment to promoting public participation and to make the public comment process a little bit more palatable and inclusive. And one of my concerns is that there are no flaws in this particular measure and it really warranted more discussion. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 680, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Third Reading by a vote of 42 ayes to 4 noes, with Representatives Belatti, Brower, Hanohano and Morita voting no, and with Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi being excused.

At 1:19 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1565
H.B. No. 1543
H.B. No. 1130
H.B. No. 240
H.B. No. 1376
H.B. No. 680

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 76 through 79) and concurrent resolutions (H.C.R. Nos. 82 through 86) were referred to Printing and further action was deferred:

H.R. No. 76, entitled: "HOUSE RESOLUTION STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE," was offered by Representative Herkes.

H.R. No. 77, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION," was jointly offered by Representatives Evans, Awana, Brower, Chang, Hashem, McKelvey, Nishimoto, Tsuji, Choy and Tokioka.

H.R. No. 78, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGISTER THE ACCRETED LANDS ALONG THE WAIPIO PENINSULA SHORELINE IN WAIPAHU AS STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," was jointly offered by Representatives Cabanilla, Brower, Hashem, Pine, Aquino, Awana, Cullen, Fontaine, Nakashima, Riviere and Tokioka.

H.R. No. 79, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Mizuno, Aquino, Awana, Belatti, Brower, Cabanilla, Cullen, Fontaine, Hanohano, Hashem, Herkes, Johanson, Keith-Agaran, Manahan, Morikawa, Pine, Tokioka, Tsuji, Chang, Nakashima and Riviere.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE," was offered by Representative Herkes.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONDUCT A STUDY LAYING THE GROUNDWORK FOR IMPLEMENTATION OF THE AGRICULTURE WATER DEVELOPMENT PROGRAM, INCLUDING PERFORMING A STATEWIDE WATER DEVELOPMENT STUDY," was jointly offered by Representatives Tsuji, Aquino, Awana, Brower, Chang, Chong, Choy, Cullen, Evans, Hashem, Ito, Keith-Agaran, McKelvey, Nishimoto, Souki, Tokioka, Yamane and Yamashita.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION," was jointly offered by Representatives Evans, Awana, Brower, Chang, Hashem, McKelvey, Nishimoto, Tsuji, Choy and Tokioka.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGISTER THE ACCRETED LANDS ALONG THE WAIPIO PENINSULA SHORELINE IN WAIPAHU AS STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," was jointly offered by Representatives Cabanilla, Brower, Hashem, Pine, Aquino, Awana, Cullen, Fontaine, Nakashima, Riviere and Tokioka.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives Mizuno, Aquino, Awana, Belatti, Brower, Cabanilla, Cullen, Fontaine, Hanohano, Hashem, Herkes, Johanson, Keith-Agaran, Manahan, Morikawa, Pine, Tokioka, Tsuji, Chang, Nakashima and Riviere.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
62	Committee on Housing, then to the Committee on Finance
63	Committee on Legislative Management, then to the Committee on Finance

64	Committee on Education, then to the Committee on Finance	79	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance
65	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Transportation	80	Committee on Labor & Public Employment, then to the Committee on Human Services
66	Committee on Energy & Environmental Protection, then to the Committee on Finance	81	Committee on Transportation, then to the Committee on Finance
67	Committee on Housing, then to the Committee on Health, then to the Committee on Finance	82	Committee on Consumer Protection & Commerce, then to the Committee on Finance
68	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	83	Committee on Agriculture, then to the Committee on Finance
69	Committee on Culture & the Arts, then to the Committee on Finance	84	Jointly to the Committee on Agriculture and the Committee on Higher Education, then to the Committee on Finance
70	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation	85	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
71	Committee on Water, Land, & Ocean Resources	86	Committee on Public Safety & Military Affairs, then to the Committee on International Affairs
72	Committee on Labor & Public Employment, then to the Committee on Human Services		
73	Committee on Transportation, then to the Committee on Finance	<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
76	Committee on Consumer Protection & Commerce, then to the Committee on Finance	777, SD1	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management
77	Jointly to the Committee on Agriculture and the Committee on Higher Education, then to the Committee on Finance	1055, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
78	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1061, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
79	Committee on Public Safety & Military Affairs, then to the Committee on International Affairs	1062, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
		1063, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
		1064, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>	1075, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
70	Committee on Housing, then to the Committee on Finance	1077, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
71	Committee on Health, then to the Committee on Finance	1083, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
72	Committee on Judiciary, then to the Committee on Legislative Management	1084, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
73	Committee on Energy & Environmental Protection, then to the Committee on Finance	1085, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
74	Committee on Housing, then to the Committee on Health, then to the Committee on Finance	1095, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
75	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1096, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
76	Committee on Culture & the Arts, then to the Committee on Finance	1356, SD1	Committee on Finance
77	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation		
78	Committee on Water, Land, & Ocean Resources		

At 1:20 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:20 o'clock p.m.

At this time, Representative Evans moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and House Bills transmitted thereby, seconded by Representative Pine and carried. (Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi were excused.)

RECESS

At 1:22 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 9:00 o'clock a.m., Tuesday, March 8, 2011. (Representatives Cabanilla, Ching, McKelvey, Saiki and Takumi were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 691 through 942), were received by the Clerk prior to 12:00 midnight this legislative day, and the following action was taken:

Stand. Com. Rep. No. 691 (CPC/JUD) and H.B. No. 924, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 692 (CPC) and H.B. No. 1134, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 693 (FIN) and H.B. No. 235, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 694 (FIN) and H.B. No. 519, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 695 (FIN) and H.B. No. 594, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 696 (FIN) and H.B. No. 902, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 697 (FIN) and H.B. No. 453, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 698 (FIN) and H.B. No. 1005, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 699 (FIN) and H.B. No. 1064, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 700 (FIN) and H.B. No. 1069, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 701 (FIN) and H.B. No. 1070, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 702 (FIN) and H.B. No. 1001, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 703 (FIN) and H.B. No. 1333, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 704 (FIN) and H.B. No. 1368, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 705 (FIN) and H.B. No. 931, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 706 (FIN) and H.B. No. 1139, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 707 (FIN) and H.B. No. 1613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 708 (FIN) and H.B. No. 863, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 709 (FIN) and H.B. No. 1330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 710 (FIN) and H.B. No. 980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 711 (FIN) and H.B. No. 560, entitled: "A BILL FOR AN ACT RELATING TO FINANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 712 (FIN) and H.B. No. 569, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 713 (FIN) and H.B. No. 684, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 714 (FIN) 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," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 715 (FIN) and H.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 716 (FIN) and H.B. No. 424, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT

STATEMENTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 717 (FIN) and H.B. No. 563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 718 (FIN) and H.B. No. 1380, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 719 (FIN) and H.B. No. 1570, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 720 (FIN) and H.B. No. 1248, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 721 (FIN) and H.B. No. 865, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 722 (FIN) and H.B. No. 596, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 723 (FIN) and H.B. No. 739, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 724 (FIN) and H.B. No. 798, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 725 (FIN) and H.B. No. 803, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 726 (FIN) and H.B. No. 879, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 727 (FIN) and H.B. No. 1043, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 728 (FIN) and H.B. No. 422, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 729 (FIN) and H.B. No. 423, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 730 (FIN) and H.B. No. 786, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 731 (FIN) and H.B. No. 855, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE

DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 732 (FIN) and H.B. No. 1286, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 733 (FIN) and H.B. No. 927, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 734 (FIN) and H.B. No. 1017, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 735 (FIN) and H.B. No. 1019, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 736 (FIN) and H.B. No. 1239, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 737 (FIN) and H.B. No. 1101, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 738 (FIN) and H.B. No. 1568, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 739 (FIN) and H.B. No. 1102, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 740 (FIN) and H.B. No. 993, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARINE HIGHWAY SYSTEM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 741 (FIN) and H.B. No. 1100, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 742 (FIN) and H.B. No. 1097, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 743 (FIN) and H.B. No. 550, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 744 (FIN) and H.B. No. 823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 745 (FIN) and H.B. No. 916, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 746 (FIN) and H.B. No. 775, entitled: "A BILL FOR AN ACT RELATING TO THE PHOTO ENFORCEMENT

REVOLVING FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 747 (FIN) and H.B. No. 1435, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 748 (FIN) and H.B. No. 1322, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 749 (FIN) and H.B. No. 1327, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 750 (FIN) and H.B. No. 1457, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 751 (FIN) and H.B. No. 1603, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 752 (FIN) and H.B. No. 338, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 753 (FIN) and H.B. No. 625, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 754 (FIN) and H.B. No. 773, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 755 (FIN) and H.B. No. 1055, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 756 (FIN) and H.B. No. 1056, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 757 (FIN) and H.B. No. 1313, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 758 (FIN) and H.B. No. 1058, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 759 (FIN) and H.B. No. 908, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 760 (FIN) and H.B. No. 830, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 761 (FIN) and H.B. No. 1323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE

COMMISSION FOR HIGHER EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 762 (FIN) and H.B. No. 121, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 763 (FIN) and H.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 764 (FIN) and H.B. No. 461, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 765 (FIN) and H.B. No. 277, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 766 (FIN) and H.B. No. 492, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 767 (FIN) and H.B. No. 605, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 768 (FIN) and H.B. No. 1000, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 769 (FIN) and H.B. No. 1088, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 770 (FIN) and H.B. No. 491, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 771 (FIN) and H.B. No. 1109, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 772 (FIN) and H.B. No. 1622, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 773 (FIN) and H.B. No. 1035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 774 (FIN) and H.B. No. 884, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 775 (FIN) and H.B. No. 1243, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 776 (FIN) and H.B. No. 169, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 777 (FIN) and H.B. No. 174, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 778 (FIN) and H.B. No. 175, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 779 (FIN) and H.B. No. 466, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 780 (FIN) and H.B. No. 527, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 781 (FIN) and H.B. No. 587, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 782 (FIN) and H.B. No. 1036, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 783 (FIN) and H.B. No. 1076, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 784 (FIN) and H.B. No. 1268, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 785 (FIN) and H.B. No. 1434, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 786 (FIN) and H.B. No. 960, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 787 (FIN) and H.B. No. 898, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING POLICY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 788 (FIN) and H.B. No. 70, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 789 (FIN) and H.B. No. 1306, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 790 (FIN) and H.B. No. 382, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 791 (FIN) and H.B. No. 250, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF ATTORNEYS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 792 (FIN) and H.B. No. 1012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 793 (FIN) and H.B. No. 1384, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 794 (FIN) and H.B. No. 889, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 795 (FIN) and H.B. No. 326, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 796 (FIN) and H.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH BENEFIT EXCHANGE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 797 (FIN) and H.B. No. 561, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 798 (FIN) and H.B. No. 260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 799 (FIN) and H.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 800 (FIN) and H.B. No. 667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 801 (FIN) and H.B. No. 1307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 802 (FIN) and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 803 (FIN) and H.B. No. 318, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOG," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 804 (FIN) and H.B. No. 314, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 805 (JUD) and H.B. No. 1085, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 806 (JUD) and H.B. No. 1008, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 807 (JUD) and H.B. No. 681, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

MILITARY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 808 (JUD) and H.B. No. 49, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 809 (JUD) and H.B. No. 1107, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 810 (JUD) and H.B. No. 551, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 811 (JUD) and H.B. No. 393, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 812 (JUD) and H.B. No. 261, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 813 (JUD) and H.B. No. 18, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALL-TERRAIN VEHICLES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 814 (JUD) and H.B. No. 1241, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 815 (JUD) and H.B. No. 878, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 816 (JUD) and H.B. No. 1133, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 817 (JUD) and H.B. No. 139, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 818 (JUD) and H.B. No. 320, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 819 (JUD) and H.B. No. 1456, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 820 (FIN) and H.B. No. 1455, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 821 (FIN) and H.B. No. 337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 822 (FIN) and H.B. No. 972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 823 (FIN) and H.B. No. 112, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 824 (FIN) and H.B. No. 1049, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 825 (FIN) and H.B. No. 1447, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 826 (FIN) and H.B. No. 1052, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 827 (FIN) and H.B. No. 496, entitled: "A BILL FOR AN ACT RELATING TO LAKE WILSON," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 828 (FIN) and H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 829 (FIN) and H.B. No. 1164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 830 (FIN) and H.B. No. 376, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 831 (FIN) and H.B. No. 1180, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 832 (FIN) and H.B. No. 1617, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 833 (FIN) and H.B. No. 377, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 834 (FIN) and H.B. No. 389, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 835 (FIN) and H.B. No. 1312, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 836 (FIN) and H.B. No. 1405, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 837 (FIN) and H.B. No. 1566, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 838 (FIN) and H.B. No. 568, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO

AQUACULTURE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 839 (FIN) and H.B. No. 505, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FLOOD MITIGATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 840 (FIN) and H.B. No. 324, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 841 (FIN) and H.B. No. 915, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 842 (FIN) and H.B. No. 1079, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 843 (FIN) and H.B. No. 1083, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 844 (FIN) and H.B. No. 1505, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 845 (FIN) and H.B. No. 331, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 846 (FIN) and H.B. No. 1082, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 847 (FIN) and H.B. No. 1431, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COVENANTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 848 (FIN) and H.B. No. 270, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 849 (FIN) and H.B. No. 397, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 850 (FIN) and H.B. No. 297, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES FEE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 851 (FIN) and H.B. No. 549, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 852 (FIN) and H.B. No. 245, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 853 (FIN) and H.B. No. 545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 854 (FIN) and H.B. No. 301, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 855 (FIN) and H.B. No. 638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 856 (FIN) and H.B. No. 1004, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 857 (FIN) and H.B. No. 246, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 858 (FIN) and H.B. No. 302, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES SPECIAL FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 859 (FIN) and H.B. No. 828, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 860 (FIN) and H.B. No. 1640, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 861 (FIN) and H.B. No. 1071, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 862 (FIN) and H.B. No. 848, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 863 (FIN) and H.B. No. 986, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION AND FILM PRODUCTION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 864 (FIN) and H.B. No. 1300, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 865 (FIN) and H.B. No. 782, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 866 (FIN) and H.B. No. 801, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 867 (FIN) and H.B. No. 983, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 868 (FIN) and H.B. No. 985, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 869 (FIN) and H.B. No. 1179, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 870 (FIN) and H.B. No. 1183, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 871 (FIN) and H.B. No. 678, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 872 (FIN) and H.B. No. 1063, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 873 (FIN) and H.B. No. 1483, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 874 (FIN) and H.B. No. 1540, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 875 (FIN) and H.B. No. 1054, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 876 (FIN) and H.B. No. 4, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 877 (FIN) and H.B. No. 159, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 878 (FIN) and H.B. No. 198, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 879 (FIN) and H.B. No. 688, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 880 (FIN) and H.B. No. 945, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 881 (FIN) and H.B. No. 952, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 882 (FIN) and H.B. No. 953, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 883 (FIN) and H.B. No. 566, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 884 (FIN) and H.B. No. 1176, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TRANSMISSION CABLE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 885 (FIN) and H.B. No. 1598, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CACAO INDUSTRY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 886 (FIN) and H.B. No. 285, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 887 (FIN) and H.B. No. 866, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 888 (FIN) and H.B. No. 1277, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATEWIDE AGRICULTURE WATER DEVELOPMENT STUDY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 889 (FIN) and H.B. No. 123, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTRA-STATE AVIATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 890 (FIN) and H.B. No. 1020, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 891 (FIN) and H.B. No. 1039, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 892 (FIN) and H.B. No. 1090, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 243, HAWAII REVISED STATUTES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 893 (FIN) and H.B. No. 1240, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 894 (FIN) and H.B. No. 608, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 895 (FIN) and H.B. No. 614, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 896 (FIN) and H.B. No. 756, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 897 (FIN) and H.B. No. 905, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 898 (FIN) and H.B. No. 129, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 899 (FIN) and H.B. No. 160, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 900 (FIN) and H.B. No. 761, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 901 (FIN) and H.B. No. 978, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 902 (FIN) and H.B. No. 1045, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 903 (FIN) and H.B. No. 1203, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 904 (FIN) and H.B. No. 1303, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 905 (FIN) and H.B. No. 231, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 906 (FIN) and H.B. No. 1584, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO EXPLORE OPPORTUNITIES TO FOSTER INTERNATIONAL RELATIONSHIPS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 907 (FIN) and H.B. No. 718, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER YOUTH," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 908 (FIN) and H.B. No. 1326, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 909 (FIN) and H.B. No. 1513, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 910 (FIN) and H.B. No. 1034, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 911 (FIN) and H.B. No. 467, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 912 (FIN) and H.B. No. 341, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 913 (FIN) and H.B. No. 1041, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 914 (FIN) and H.B. No. 837, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 915 (FIN) and H.B. No. 1038, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 916 (FIN) and H.B. No. 1051, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 917 (FIN) and H.B. No. 1411, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 918 (FIN) and H.B. No. 1009, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 919 (FIN) and H.B. No. 1532, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 920 (FIN) and H.B. No. 257, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 921 (FIN) and H.B. No. 1065, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 922 (FIN) and H.B. No. 1066, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 923 (FIN) and H.B. No. 809, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 924 (FIN) and H.B. No. 526, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 925 (FIN) and H.B. No. 1308, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 926 (FIN) and H.B. No. 1642, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 927 (FIN) and H.B. No. 1529, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 928 (FIN) and H.B. No. 1551, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX

CREDITS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 929 (JUD) and H.B. No. 909, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 930 (JUD) and H.B. No. 1003, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 931 (JUD) and H.B. No. 613, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 932 (JUD) and H.B. No. 1339, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 933 (JUD) and H.B. No. 845, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUND LEASES," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 934 (JUD) and H.B. No. 227, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 935 (JUD) and H.B. No. 1230, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 936 (JUD) and H.B. No. 1524, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 937 (JUD) and H.B. No. 117, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 938 (JUD) and H.B. No. 548, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 939 (JUD) and H.B. No. 56, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 940 (JUD) and H.B. No. 1407, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 941 (JUD) and H.B. No. 663, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," were placed on the calendar for Third Reading on March 8, 2011.

Stand. Com. Rep. No. 942 (JUD) and H.B. No. 1141, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT," were placed on the calendar for Third Reading on March 8, 2011.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, March 8, 2011.

TWENTY-SIXTH DAY

Tuesday, March 8, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 9:13 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 175 through 182) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 175, dated January 18, 2011, transmitting the Annual Report of the Crime Victim Compensation Commission, prepared by the Department of Public Safety pursuant to Section 351-70, HRS.

Gov. Msg. No. 176, dated February 10, 2011, transmitting the Annual Report on Forensic Patient Data, Specific to the Hawaii State Hospital, prepared by the Department of Health pursuant to Section 334-16, HRS.

Gov. Msg. No. 177, dated February 10, 2011, transmitting the Report on Department of Health Transfers to the Department of Human Services for the Care and Treatment of Patients, pursuant to Section 120, Part VIII of Act 180, SLH 2010; and the Report on Department of Human Service Agreements with the Department of Health to Furnish Outpatient, Hospital, and Nursing Home Care for Indigents or Medical Indigents, pursuant to Section 121, Part VIII of Act 162, SLH 2010, prepared by the Department of Health.

Gov. Msg. No. 178, dated February 10, 2011, transmitting the Annual Report on the Mental Health and Substance Abuse Special Fund, prepared by the Department of Health pursuant to Section 334-15, HRS.

Gov. Msg. No. 179, dated February 10, 2011, transmitting the Report on the Expenditure of All Funds for the Comprehensive Breast and Cervical Cancer Control Program, prepared by the Department of Human Services and the Department of Health pursuant to Act 52, Section 4, SLH 2008.

Gov. Msg. No. 180, dated February 10, 2011, transmitting the State Council on Mental Health's Annual Report on Implementation of the State Plan, prepared by the Department of Health pursuant to Section 334-10(E), HRS.

Gov. Msg. No. 181, dated February 17, 2011, transmitting the Spouse and Child Abuse Special Account Report, prepared by the Department of Human Services pursuant to Section 346-7.5, HRS.

Gov. Msg. No. 182, dated February 17, 2011, transmitting a Report on Services for Adults with Special Needs, prepared by the Department of Human Services pursuant to H.C.R. No. 256 (2010).

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 46 and 47) were received and announced by the Clerk:

Sen. Com. No. 46, transmitting S.B. No. 1292, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," which passed Third Reading in the Senate on March 4, 2011.

Sen. Com. No. 47, transmitting S.B. No. 1293, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE

DEPARTMENT OF HUMAN SERVICES," which passed Third Reading in the Senate on March 4, 2011.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred:

S.B. No. 1292

S.B. No. 1293

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 66) was received by the Clerk and was placed on file:

Dept. Com. No. 66, dated March 4, 2011, from Frederick D. Pablo, Director of Taxation, Department of Taxation, transmitting their findings, conclusions and recommendations in regards to the Legislature's and Auditor's concerns in 2010 over the Department of Taxation's contract with CGI Technologies and Solutions, Inc (CGI) to provide technical expertise to the department.

ORDER OF THE DAY

Representative B. Oshiro moved that notwithstanding the inadvertent placement of a March 8, 2011 date on various Committee Reports numbered 691 to 875, that the error be corrected to reflect the actual March 4, 2011 filing date, seconded by Representative Evans.

The Chair then stated:

"Members, this is to correct the technical error in the date on Stand. Com. Rep. Nos. 691 to 875. This motion will correct that date."

The motion was put to vote by the Chair and carried, and the error was corrected to reflect the actual March 4, 2011 filing date.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar.

CONSENT CALENDAR

The Chair then announced:

"Members, at this time we are on the Consent Calendar and there will be no discussion on these measures as was agreed upon."

At 9:17 o'clock a.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:18 o'clock a.m.

UNFINISHED BUSINESS

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 1067, 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 H.B. No. 1067, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE

TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 1053, 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 H.B. No. 1053, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS," passed Third Reading by a vote of 51 ayes.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 904, 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 Committees was adopted and H.B. No. 904, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 648) recommending that H.B. No. 1098, 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 H.B. No. 1098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 616, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 616, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No. 597, 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 H.B. No. 597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 238, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 238, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 652) recommending that H.B. No. 1093, 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 H.B. No. 1093, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 1094, 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 H.B. No. 1094, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 594, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 594, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 697) recommending that H.B. No. 453, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 453, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. HB 453, H.D. 1 will address a gap in the currently laudable law requiring the various counties to establish or protect access to the shorelines when processing subdivision applications. This measure will ensure that the public receives more than a "paper" access—that a route to our beaches will be maintained into the future.

"This bill clarifies that where a county requires public access as a condition of a subdivision, either the county must accept the dedication of the access or make sure the access will be maintained after the developer has sold its project and moved on. The county will have the option to require the subdivider to establish, and initially fund, a stewardship fund to be controlled by the county for improvement and maintenance of the right-of-way, or the county may require the subdivider or the planned community association to improve and maintain the right-of-way. This is not unusual. A stewardship fund is what a Land Trust negotiates with landowners proposing to create a conservation easement.

"This bill makes our public access law operate in a fashion which actually provides a useful and usable route to the shorelines which serve as prime places for recreation, spiritual renewal, and sustenance for our fulltime residents."

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure was not referred to the Committee of Hawaiian Affairs and the title is, Relating to Public Access."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 1005, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1005, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 1064, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1064, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 1070, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1070, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 1333, 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 H.B. No. 1333, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 1368, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1368, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 931, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 931, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 706) recommending that H.B. No. 1139, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1139, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 707) recommending that H.B. No. 1613, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1613, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this bill. The purpose of this measure is to implement permanent absentee voting. As use of absentee balloting grows, we should support methods that encourage voter turnout and fosters easier access to the ballot box by our dedicated and regular voters.

"I note that permanent absentee voting has been efficient and beneficial in a number of other states. Given the low voter turnout in our State, absentee and permanent absentee ballot applications would be beneficial.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 980, 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 H.B. No. 980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 714) recommending that H.B. No. 758, 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 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 Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 290, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 290, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks in support of the measure are as follows:

"Mr. Speaker, I speak in support of HB 290.

"This bill supports the operations of the Department of Agriculture (DOA) and helps mitigate the negative effects by its reduction in force. Among other things, the bill would allow DOA to enter into agreements with government and private agencies to hire and pay temporary inspectors to perform certification and audit services. In addition it would establish new or increase certain existing fees to cover the operation and maintenance costs of agriculture inspection and certification programs.

"Hawaii has been severely impacted by the decrease in services by plant and commodity inspectors. Although many of these tasks involved fees, there was also subsidization of associated costs from the general fund. Industry stakeholders recognize the dire state of the State budget, and have testified to their willingness to evolve to a true fee for services structure to ensure the necessary certifications and inspections for their crops. This bill provides the means to move in this direction.

"The ability to move products in and out of the State, as well as interisland is critical to the vitality of the State's agriculture industry and its overall economy. HB 290 is a vehicle for DOA to provide its necessary services that are required in that regard and I am in strong support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 290, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 424, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 424, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure extends the temporary exemption from the State's environmental impact statement law afforded to certain proposed actions involving infrastructure within an existing public right-of-way. This measure was not referred to the Committee of Hawaiian Affairs. Environmental Impact Statements include cultural assessment which has an impact on Native Hawaiian rights."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 424, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 1570, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1570, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks in support of the measure are as follows:

"Mr. Speaker, I am in support of this measure. The purpose of this bill is to assist livestock farmers remain financially viable by assisting with ever increasing feed costs through the Livestock Revitalization Program and by expanding the scope of eligible farmers to include goat herds producing milk.

"HB 1570 is a way to provide the people of Hawaii with fresh, locally-produced livestock products. In addition, livestock farms provide a potentially valuable vehicle to expand agricultural tourism ventures for our State.

"Mr. Speaker, in your Agriculture Committee we heard testimonies from poultry producers of how a similar bill we passed in 2007 helped them survive and succeed. That subsidy was a tremendous aid enabling one business to afford its weekly feed purchases and gave the opportunity to invest in equipment to improve operations and to continue farming. Another stated, "I know first-hand it has saved a number of family farms from going out of business. I know they are still struggling." Their testimonies also mentioned a collective concern for the future of Hawaii's livestock operations. In 1999 there were 14 dairy farms, 17 poultry operations and numerous hog farms across the islands. Today there is one dairy, 4 poultry farms and a handful of hog farms in the State.

"Mr. Speaker, if locally produced food is in fact a desirable goal for the state, then we need to be advocates for the livestock industry. This Body's support of HB 1570 would demonstrate our continuing commitment to the viability of this agricultural sector."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1570, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 722) recommending that H.B. No. 596, 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 H.B. No. 596, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 731) recommending that H.B. No. 855, 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 H.B. No. 855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 732) recommending that H.B. No. 1286, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1286, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 733) recommending that H.B. No. 927, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 927, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine's written remarks in support of the measure are as follows:

"I strongly support HB927 HD1, Relating to Roadway Materials for the following reasons:

"HB927 HD1 clarifies that State agencies may purchase roadway materials with minimum recycled glass content and allows for the use of minimum glass of ten per cent crushed glass aggregate in all basecourse and subbase asphalt.

"During the hearing process, all testifiers were in support of the measure in both the Committee on Energy and Environmental Protection and the Committee on Finance.

"As a freshman legislator in 2005, I sponsored a bill, HB1491, which required the Department of Transportation to use recycled materials in their projects, where cost effective. This reinforced the continuing commitment Hawaii should take in considering the use of recycled materials in our State highway and City road projects.

"The current measure before this Body, HB927 HD1, asks for clarity in the type of materials used in the production of recycled asphalt. The measure I introduced during the 2005 Legislative Session "required" the Department of Transportation to use recycled materials in their projects. This request has come full circle as we are now giving State agencies the "option" of using one, out of a number of recycled materials, to be used in asphalt to repave our highways and roads.

"Back in 2005, The Department of Transportation testified that they supported the intent of the bill, but said that it was already in the process of "considering" the use of recycled materials in its projects. The Department of Transportation, over the course of the last six years, has instituted the use of a variety of recycled materials which is beneficial to everyone who drives on our highways and roads.

"Passage of this measure will allow for the improvement of Hawaii's roads, enable more cost-effective recycling of asphalt pavements and reduce Hawaii's overall greenhouse gas emissions.

"I thank my fellow colleagues for reviving a measure similar to the bill I introduced which recognizes the importance of using recycled materials in our State and City roadways.

"For all these reasons I strongly support HB927 HD1, Relating to Roadway Materials."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 927, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 734) recommending that H.B. No. 1017, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1017, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 738) recommending that H.B. No. 1568, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1568, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks in support of the measure are as follows:

"Mr. Speaker, I am in support of HB 1568. This bill protects Hawaii's natural environment from the threat of invasive species and assists Hawaii's agricultural industry. It would establish biosecurity and inspection facilities at major State airports and harbors to strengthen and support Hawaii's agricultural industry and protect Hawaii's environment from invasive species.

"In Governor Abercrombie's *A New Day in Hawaii* publication, he stressed *"A strong economy is not one based on unfettered consumption of our natural resources, but instead one that is sustainable over time."* One of the bullet points that followed was to *"Improve prevention, management, and response system for invasive species."*

"DOA developed a multi-faceted Biosecurity Plan to enhance its invasive species prevention efforts at air and sea ports with more inspectors, more efficient and effective inspection services, improved inspection facilities, and agreements with importers and producers for improved sanitary protocols before items are shipped to Hawai'i. Having proper, enclosed inspection and quarantine facilities at all major air and sea ports, similar to the one at Kahului airport, is one of the most important components of this Plan.

"Evidence shows that *preventing* a new pest establishment is much more economical than eradicating a pest or, even worse, controlling it indefinitely once it is established.

"The Legislature's history of supporting this Biosecurity Plan has been essential to its implementation, and supporting the Department of Agriculture with proper facilities at all of the State's major ports of entry is one of the most critical things that can be done to help prevent new pests from entering our State.

"The current version of HB1568 would have the Aloha Tower Development Corporation provide space, planning and design support at the Aloha Tower Complex for biosecurity and inspection facilities intended to meet the various needs of Hawaii's agricultural industry.

"It would also require DOT to provide space and infrastructure for biosecurity and inspection facilities at Hawaii's airports to facilitate the safe movement of incoming and outgoing air cargo through the airports rather than providing it to DOA for the same purposes.

"Mr. Speaker, the State has already seen the negative effects of having less ag inspectors defending our ports of entry. We cannot further risk the future of Hawaii's agriculture by letting our guards down against invasive species. Colleagues please join me in support of HB 1568."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1568, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 744) recommending that H.B. No. 823, 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 H.B. No. 823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES AND FEES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 745) recommending that H.B. No. 916, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 916, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 746) recommending that H.B. No. 775, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 775, entitled: "A BILL FOR AN ACT RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 748) recommending that H.B. No. 1322, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1322, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 749) recommending that H.B. No. 1327, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1327, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 751) recommending that H.B. No. 1603, 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 H.B. No. 1603, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 754) recommending that H.B. No. 773, 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 H.B. No. 773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 755) recommending that H.B. No. 1055, 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 H.B. No. 1055, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 757) recommending that H.B. No. 1313, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1313, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 759) recommending that H.B. No. 908, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 908, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 760) recommending that H.B. No. 830, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 830, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 761) recommending that H.B. No. 1323, 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 H.B. No. 1323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 764) recommending that H.B. No. 461, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 461, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support. Mr. Speaker, HB4 61 proposes to implement voting provisions for uniformed services and overseas absentee voters, as required by the Military and Overseas Voter Empowerment Act.

Voting is a basic right of every eligible American citizen. It is a foundation of our country's democratic principles.

"The procedures proposed in this bill would ensure that Hawaii residents serving in the military outside of Hawaii are guaranteed voting privileges in state and national elections.

"Our 400 retired and currently serving officers of the Uniformed Services support codification of the federal law related to Military and Overseas voters.

"Military personnel and overseas civilians face a variety of challenges to their participation as voters in U.S. elections, despite repeated congressional and state efforts to facilitate their ability to vote.

"These include difficulty in registering abroad, frequent address changes, slow mail delivery, ballots and ballot applications that never arrive, difficulty in obtaining information about candidates or issues, the inability to comply with notarization or verification procedures, or the voter's failure to properly comply with non-essential requirements for absentee materials.

"Since Hawaii, among all the other states, has our primary election the closest to our general election, we ran up against the federal mandate to allow 45 days for return of ballots from these voters.

"In fact in the most recent analysis of overseas voting by the Pew Center on the States, Hawaii did a fairly good job of getting ballots out and back, in spite of the shorter time period. Now is the opportunity to make the situation permanent.

"Moving the primary election back will help, but other factors need to be put into place to allow the Chief Elections Officer the authority to act prudently. I believe this bill does that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 461, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 766) recommending that H.B. No. 492, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 492, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 492. This measure looks to address deficiencies in the Department of Public Safety's Sheriffs Division as noted in the State Auditor's June 2010 report. I understand that the Division's scope of responsibility has grown throughout the years. The enactment of this bill would ensure public safety by improving current organizational issues, perform risk assessments for each area of the Division, and draft and implement a strategic plan. With the Sheriff's Division in charge of protecting State buildings and courts, providing security and protection of our airports among many other things, this bill is a step in the right direction. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 492, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 767) recommending that H.B. No. 605, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

605, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 768) recommending that H.B. No. 1000, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1000, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 769) recommending that H.B. No. 1088, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1088, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I speak in favor of H.B. 1088 which looks to give the Department of Public Safety the authority to render aid to inmates or detainees who refuse treatment. This Administration bill would give the Department's medical staff the ability to treat those who may be a danger to others and/or to themselves. This bill would also assist in cost savings. Currently, those who refuse treatment may be transported to the Hawaii State Hospital where treatment costs are much higher. This measure would allow medical professionals within the correctional system to provide needed care on the spot."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1088, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 770) recommending that H.B. No. 491, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 491, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. In support. This bill would require the Department of Public Safety to prepare, apply, and obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies. From what I gathered, this is a prominent accreditation. While there may be some concern on when this can be done, the intent is to address the Auditor's concerns in her June 2010 report while positioning our Sheriff's Division to be a better organization. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 491, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 771) recommending that H.B. No. 1109, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1109, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I rise in support of this measure. Currently, employees are entitled to a total of four weeks of family leave during any calendar year upon the birth of a child of the employee, the adoption of a child, or to care for the employee's child, spouse or reciprocal beneficiary, or parent with a serious health condition. The care of employees whose family member is in the military is not covered.

"Hawaii has a rich tradition of cooperation and support of our service members. To extend the ability to take family leave to take care of activities necessitated by a family member who is proudly serving in the defense of one's country is the right thing to do.

"Eligible employees who take the leave under this measure are likely to be those not already covered under the Family and Medical Leave Act Military Family Leave Entitlements.

"These are likely to be employees of companies with 100 or more employees who have worked only six months for the company, or are reciprocal beneficiaries or grandparents-in-law of eligible service members.

"This measure will also allow all eligible employees of more 100 or more employees to take up to ten sick days for this type of leave where in the federal environment the employer can determine if sick leave will be used.

"Servicemen and women honor their families, nation and state under the American flag. I firmly believe those who employ their family members should not hesitate to ensure they can be with their uniformed loved ones on the occasions described in this Bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 776) recommending that H.B. No. 169, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 169, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 777) recommending that H.B. No. 174, 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 H.B. No. 174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 778) recommending that H.B. No. 175, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 175, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 780) recommending that H.B. No. 527, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

527, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 781) recommending that H.B. No. 587, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 587, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 782) recommending that H.B. No. 1036, 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 H.B. No. 1036, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 783) recommending that H.B. No. 1076, 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 H.B. No. 1076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 786) recommending that H.B. No. 960, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 960, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla's written remarks in support of the measure are as follows:

"Mr. Speaker, I am in strong support of HB 960 HD1. The Department of Business, Economic Development and Tourism, Hawaii Housing Finance and Development Corporation says it very succinctly:

"The low-income housing tax credit (LIHTC) program is a major financing tool to construct or rehabilitate affordable rental housing for families at or below 60 percent of the area median income. Under the program, HHFDC awards federal and State tax credits that may be used to obtain a dollar-for-dollar offset (tax credit) in income tax liability for 10 years or may be syndicated to generate substantial project equity. There are two types of federal tax credits: 1) 9% competitive tax credits, which are applied against the State of Hawaii's annual LIHTC volume cap allocation; and, 2) 4% noncompetitive tax credits, which are awarded outside of the federal tax credit volume cap with tax-exempt bond financing. Approximately \$2.719 million in federal and \$1.359 million in state volume credit tax credits may be awarded each year.

"Many LIHTC projects have been stalled during the recession due to the lack of available private investors who are willing to purchase these tax credits, or due to the fact that the equity generated by the sale of State tax credits is not sufficient to fund project development.

"The tax credit exchange program proposed in H.B. 960 would allow eligible affordable rental housing developers to trade in both competitive, State volume cap LIHTCs and non-volume cap LIHTCs for a loan. The loan amount would be equivalent to 70 percent of the State LIHTC award over the ten year period. The exchange of the State LIHTC could provide nearly three times more equity for the development or rehabilitation of affordable rental housing projects compared to the existing credit program. The State LIHTC loan mechanism proposed in this bill is similar to the

Section 1602 provisions in the American Recovery and Reinvestment Act of 2009, which assists projects receiving competitive Federal volume cap LIHTCs. As the State of Hawaii's LIHTC issuing agency, HHFDC supports the creation of a loan option for the State credit to provide affordable housing developers with sufficient equity to finance construction of much-needed rental projects.

"Mr. Speaker, thank you for the opportunity to offer comments."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 787) recommending that H.B. No. 898, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 898, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla's written remarks in support of the measure are as follows:

"Mr. Speaker, I am in strong support of HB 898 HD2. This bill extends the lapse date for "Housing First" funds to December 31, 2011. "Housing First" programs fund housing for the chronically homeless. The cost to Hawaii for homelessness is quite high, particularly for the chronically homeless and mentally ill. Because they have no regular place to stay, people who are homeless use a variety of public systems in an inefficient and costly manner. Preventing a homeless episode or ensuring a speedy transition into stable permanent housing can result in more positive outcomes and significant cost savings.

"38% of all public costs for those who are unsheltered are healthcare costs. A study of hospital admissions of homeless people in Hawaii revealed that 1,751 adults were responsible for 564 hospitalizations and \$4 million in admission costs. Their rate of psychiatric hospitalization was over 100 times their non-homeless cohort. It is estimated that the excess cost for treating these homeless individuals was \$3.5 million or about \$2,000 per person.

"These exorbitant costs affect all Hawaii taxpayers.

"Until our economy improves, adequate affordable housing will not be available. We will therefore continue to need to provide housing for the chronically homeless.

"Mr. Speaker, thank you for the opportunity to offer comments."

Representative Nakashima's written remarks in support of the measure are as follows:

"This bill would extend the lapse date of funds appropriated from the Emergency and Budget Reserve Fund pursuant to Act 191, SLH 2010, for the Housing First Pilot Program to December 31, 2012. This is necessary because this program which has been very successful on the mainland was not given an opportunity as the last administration did not release this money for use.

"The Housing First model has been very successful on the Mainland. It has a good track record in assisting homeless people find access to permanent housing and then aid them in providing the services they need to keep them in housing while providing successful transition off the streets."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 898, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING POLICY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 793) recommending that H.B. No. 1384, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1384, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 794) recommending that H.B. No. 889, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 889, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 795) recommending that H.B. No. 326, 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 H.B. No. 326, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 796) recommending that H.B. No. 1201, 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 H.B. No. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH BENEFIT EXCHANGE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 797) recommending that H.B. No. 561, 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 H.B. No. 561, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 800) recommending that H.B. No. 667, 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 H.B. No. 667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 802) recommending that H.B. No. 1342, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1342, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Nakashima's written remarks in support of the measure are as follows:

"Mr. Speaker, House Bill 1342 seeks to exempt broadband infrastructure improvements from State or county permitting requirements for five years. This will allow county efforts to meet Federal Communication Commission "narrow banding" mandates requiring first responders to all be on the same band width by 2013.

"This legislation would also allow for developing broadband infrastructure leading to economic development and educational opportunities in rural communities. For those of you who know the inconveniences of dropped calls and lost signals, imagine travelling through large tracts of land where there was just no signal at all. This is a reality in many rural communities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 803) recommending that H.B. No. 318, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 318, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks in support of the measure are as follows:

"Mr. Speaker, I speak in support of HB 318. This Bill creates an interagency task force to recommend actions relating to vog.

"Vog is an ongoing concern on the Big Island which periodically affects the other islands also. Farmers and ranchers have experienced various levels of losses, including death of plants and livestock, and degradation of infrastructure. It is incumbent upon us to provide any assistance possible to those affected by vog."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 318, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VOG," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 806) recommending that H.B. No. 1008, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1008, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support of House Bill 1008. This bill would allow certain federal law enforcement agencies to assist State and local law enforcement in making arrests. This measure provides another security and safety tool for law enforcement agencies as we prepare for the Asia Pacific Economic Cooperation (APEC) in November of this year. This is a good bill that strengthens collaboration and resources needed for this very important event for our State. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1008, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 808) recommending that H.B. No. 49, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 49, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure. The intent of this measure is to simply recognize in State statute the approach that Service members under Title 10 USC Section 1482 are required by federal law to follow in designating a Person Authorized to Direct Disposition (of human remains), or PADD.

"This bill will ensure that the DD Form 93 is consulted and viewed as the legally sufficient document for designating a PADD.

"The DD Form 93 is an essential part of their military record, also designating their beneficiaries for Service Members' Group Life Insurance. Service members are required to update it annually and before any deployment.

"Forty-eight percent of Service members are less than 25 years old. Since they are required to designate a PADD on the DD Form 93, it is highly unlikely they will research to see whether they also need to follow a different state requirement for designating an agent in the event of their untimely death.

"The proposed amendment to State law on disposition removes confusion for the family. Allow me to illustrate a potential issue by sharing a case with you that shows what can happen when there is a lack of clarity in which rule to follow when designating a PADD:

A deceased Soldier who was married but estranged from his wife, elected his mother as the PADD on DD Form 93. The mother wanted to cremate the Soldier; however, the funeral home refused to cremate the remains without the wife's consent (based on the rules of the state).

The spouse was reluctant to sign the consent for cremation and only after a military attorney intervened, did the wife eventually consent.

Eventually the wishes of the Service member to have his mother direct disposition were honored; however, this situation, and the unnecessary delay it caused, could have been avoided if the state statute in question had referred to the DD Form 93.

"This bill will also enable coroners to confidently refer to a single document to approach the Service Member's choice for directing the disposition of his or her remains.

"Additionally, HB 49 will avoid the possibility of giving the body to a person not listed on DD Form 93 against the Service Member's wishes and a person who may be ineligible to receive Department of Defense funds for burial.

"In addition, having DD Form 93 in statute will make estate planners aware of its important use by the federal government. If they were to help a Service Member create a durable power of attorney or a will, they could align both the DD Form 93 and their paperwork so that there are no conflicts, thus better serving their client. If a Service Member wanted to update their DD Form 93 based on the advice of their attorney, they could do that on the spot on the attorney's computer.

"This bill would address all these issues and streamline the process in what should be naturally uncomplicated. Thank you."

Representative Cabanilla's written remarks in support of the measure are as follows:

"Mr. Speaker, I am in strong support of HB 49 HD1. It is important that the relatives of fallen service people make the decision as to the disposition of the body of Armed Forces service member. Therefore the person designated by the deceased as authorized to direct disposition on a United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, may arrange for the final disposition of the deceased's body, including cremation, if the deceased:

- (1) Died while serving in any branch of the United States armed forces, United States reserve forces, or national guard; and

- (2) Executed the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form.

"Mr. Speaker, it is critical that armed services members, who have given their lives in service of defending their country, be given the respect of having their bodies disposed of in the manner with which they wish.

"Mr. Speaker, thank you for the opportunity to offer comments."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 49, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 814) recommending that H.B. No. 1241, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1241, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 816) recommending that H.B. No. 1133, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1133, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 817) recommending that H.B. No. 139, 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 H.B. No. 139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 821) recommending that H.B. No. 337, 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 H.B. No. 337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 824) recommending that H.B. No. 1049, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1049, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 825) recommending that H.B. No. 1447, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1447, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 826) recommending that H.B. No. 1052, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1052, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 828) recommending that H.B. No. 850, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 850, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to fishing on the island of Lana'i in establishing a community-based fishery resource management area advisory committee to implement traditional fishery management practices. This measure had no referral to the Committee on Hawaiian Affairs. Traditional fishery management practices is a subject matter and *kuleana* of the Hawaiian Affairs Committee."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 850, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 833) recommending that H.B. No. 377, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 377, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I strongly support HB No. 377, H.D. 2 which will encourage the development of traditional aquaculture techniques by requiring the Board of Land and Natural Resources to provide lease preferences for State land to be used for the reconstruction, restoration, repair, or use of Hawaiian fishponds. Rep. Mark Nakashima, the primary sponsor of this legislation, recognizes that expanding our knowledge of how our host culture lived sustainably in the past is a guidepost for moving our State towards food self-sufficiency in the future.

"Fishponds are important cultural resources to Native Hawaiians. Hawaiians built 488 fishponds statewide; however, only about 60 fishponds remain recognizable today. Oahu had 97 fishponds, but only six accessible ponds remain today. Thirteen fishponds have been restored statewide, with six ponds currently in use: three on Molokai, one on the Island of Hawaii, and two on Oahu.

"While fishponds today still serve as a source of sustenance for communities, they also offer a wide range of educational opportunities. These systems were built to be self-sufficient, and used to grow a variety of fish, invertebrates, and algae. Fishponds, besides being steeped in cultural tradition, can be a home to endangered marsh birds and other birds, fish and aquatic animals.

"Providing lease preferences to fishpond restoration would help streamline the process to help efforts to revive these cultural treasures. I understand the reluctance of the new chair of the Board of Land and Natural Resource to commit to the rulemaking to facilitate this preference, but I do expect the Department of Land and Natural Resource to set its priorities in support of a sustainable tool like Hawaiian fishponds and allocate its time and resources accordingly."

Representative Nakashima's written remarks in support of the measure are as follows:

"As author of this legislation, I thank my colleagues for moving this bill forward today. House Bill 377 would require the Department of Land and Natural Resources to provide State lease preferences for the reconstruction, restoration, repair, or use of Hawaiian fishponds. This will help to revitalize the aquaculture industry via a tried and proven method of fish cultivation that is non-invasive and will not have negative impacts on the surrounding ocean environments."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 377, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 834) recommending that H.B. No. 389, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 389, HD 3, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 835) recommending that H.B. No. 1312, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1312, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to small boat harbors and provides that State fast lands and submerged lands may be leased. This measure had no referral to the Committee on Hawaiian Affairs. Small boat harbors, State fast lands and submerged lands are public ceded lands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1312, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 836) recommending that H.B. No. 1405, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1405, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to planning and requires the Office of Planning to develop a plan to establish a statewide system of greenways and trails. This measure doesn't take into consideration indigenous practices in creating greenways and trails."

Representative Nakashima's written remarks in support of the measure are as follows:

"This measures requires the Office of Planning to establish a statewide system of greenways and trails.

"Currently, the Office of Planning incorporates smart growth principles into its planning, land use, arid Coastal Zone Management programs and activities to the extent that it is consistent with existing law. While this is a very important endeavor, I would suggest that other agencies such as the Na Ala Hele to convene a working group that would help to advise the

Legislature with regard to this very important effort to preserve a system of greenways and trails throughout the islands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1405, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 839) recommending that H.B. No. 505, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 505, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FLOOD MITIGATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 840) recommending that H.B. No. 324, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 324, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to historic preservation that establishes the South Kona Wilderness Area to be administered by the Department of Land and Natural Resources. This measure was not referred to the Committee of Hawaiian Affairs. DLNR's State Historic Preservation Division (SHPD) is within the Committee's *kuleana* (area of responsibility)."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 324, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 841) recommending that H.B. No. 915, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 915, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to the Conveyance Tax which requires the Director of Taxation to provide the administrator of each county's real property assessment division with an image of all certificates of conveyances filed with the Bureau of Conveyances within ten days after the end of each week. This measure creates work for the Bureau of Conveyances and the Bureau may not have personnel to do this added task."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 915, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 842) recommending that H.B. No. 1079, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1079, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to fees for Habitat Conservation Plans. It authorizes the Department of Land and Natural Resources to collect fees to cover the technical assistance program costs associated with Habitat Conservation plans and adopt rules for establishing such fees, providing for the fees to be deposited into the Endangered Species Trust Fund. Creating this trust fund is not necessary when the State government needs to balance the State Budget."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1079, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 846) recommending that H.B. No. 1082, 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 H.B. No. 1082, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 847) recommending that H.B. No. 1431, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1431, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to covenants that authorize the counties to enact ordinances or adopt rules to enforce covenants that run with the land that impose standards regarding use, maintenance, landscaping and setbacks. This measure is unnecessary."

Representative Marumoto's written remarks in support of the measure are as follows:

"I rise to speak in favor of this measure. HB 1431- Covenants - would allow counties to enforce covenants that run with the land. The counties could insure that standards are maintained relating to land use, property maintenance, landscaping and setbacks. Counties can also establish penalties for violations.

"Though HB 1431 has statewide application, it would be useful in maintaining the attractiveness of the Kahala area of the 19th House District. In the past 6 years, a Japanese billionaire purchased over 2 dozen properties in Kahala and has allowed many of them to remain vacant and neglected. He has knocked down walls and filled swimming pools with the rubble. He has attempted to build an illegal seawall as well as demolishing several multi-million homes. Many of his activities have been performed without the requisite county permits. If brought to his attention, he has acquired permits after-the-fact.

"Long-time residents are beside themselves with the rundown condition of Kahala Avenue. They are also upset with the announcement that this owner is thinking about establishing a museum in their neighborhood. The zoning does not lend itself to a museum, but can be constructed with a variance. HB 1431 will help residents keep the area a single-family neighborhood - attractive and livable."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1431, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COVENANTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 848) recommending that H.B. No. 270, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 270, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 849) recommending that H.B. No. 397, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 397, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 850) recommending that H.B. No. 297, 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 H.B. No. 297, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES FEE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 852) recommending that H.B. No. 245, 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 H.B. No. 245, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 854) recommending that H.B. No. 301, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 301, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 858) recommending that H.B. No. 302, 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 H.B. No. 302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROBATION SERVICES SPECIAL FUND," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 861) recommending that H.B. No. 1071, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1071, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 863) recommending that H.B. No. 986, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 986, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION AND FILM PRODUCTION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 866) recommending that H.B. No. 801, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 801, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 869) recommending that H.B. No. 1179, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1179, HD 3, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 872) recommending that H.B. No. 1063, 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 H.B. No. 1063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 874) recommending that H.B. No. 1540, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1540, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 879) recommending that H.B. No. 688, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 688, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Aquino's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I stand in strong support of House Bill 688 Relating to Education. This bill looks to define the terms 'bullying,' 'cyber bullying,' and 'harassment.' This bill is a positive step forward in addressing bullying in our schools. It explicitly defines, explains and provides various examples. I believe, Mr. Speaker that all students have the right to be in school without fear. This bill ensures a safe environment for all of our students."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 688, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 880) recommending that H.B. No. 945, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 945, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Lee's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support of HB 945 regarding Multi-Track Schools. The purpose of this bill is to provide an exemption to multi-track public schools in view of the 180 day requirement, recently passed by the legislature.

"Multi-Track schools are unique, and therefore this bill will give the flexibility needed for these schools affected to meet the greater of 171 days or 90% of the minimum number of days required by schools on a regular calendar. Only Mililani and Kapolei have such schools, which came into being in areas of rapid development – and when the State could not afford to build more schools.

"Hopefully this solution will be a thing of the past in a few years. With the declining enrollment in Mililani, the schools should return to a regular schedule soon. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 945, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 887) recommending that H.B. No. 866, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 866, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. This is an important bill given the central role played by pollinators like honey bees in making sure that Hawaii's agriculture is sustainable for the future. This bill will allow beekeepers to register in a confidential manner with the Department of Agriculture (DOA), and sets aside funds for an apiary (beehive) program.

"Annual registration by beekeepers will increase knowledge of the rapidly changing nature of beekeeping in the State, as well as assist DOA when required to address any problems in the health of Hawaii's bees.

"I urge my colleagues to support this bill."

Representative Tsuji's written remarks in support of the measure are as follows:

"Mr. Speaker I am in support of HB 866. This bill establishes voluntary registration requirements for beekeepers. The devastating discovery of the varroa mite on Oahu in 2007 and on the Big Island in 2008, indicates a need to improve the Department of Agriculture's ability to quickly respond and control further spread.

"DOA's intent with respect to the registration provisions include:

- (1) Creating a database of beekeepers' locations and contact information;
- (2) Surveying bee colonies to quickly identify new bee pests for rapid response to new bee pests and diseases; and
- (3) Improving communication between beekeepers and DOA;

"The registration period would be one year and the number of bee colonies and the number of queen bees would not be required. Also, an apiary program would be established in the Department to enable its

officials to identify beekeepers and where they are, survey beekeepers to determine if any new bee pests or diseases have been introduced into Hawaii and provide services such as pest and disease diagnostics to ensure Hawaii's beekeeping industries remain strong and vibrant.

"Mr. Speaker, your Committee on Agriculture took great interest in the testimony stating that "The lack of registration extremely hindered the initial responses to varroa mite detections on Oahu in 2007 and on Hawaii Island in 2008. While beekeeping associations existed on these islands, precise knowledge of where beekeepers located hives in relation to first detection would have allowed the Department to develop better strategies to respond to varroa mite incursions with careful consideration of the potential impacts on beekeepers."

"HB 866 is a good first step to address any new invasions, whether it is varroa mite, small hive beetle or new pests or diseases to Hawaii. Beekeeping registration provides the DOA with a more effective mechanism for rapid response in times of need."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 866, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 890) recommending that H.B. No. 1020, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1020, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to the Aloha Tower Development Corporation which establishes the Aloha Tower Complex Area under the jurisdiction of the Hawaii Community Development Authority (HCDA). This measure transfers the Aloha Tower Development Corporation (ATDC) rights, powers, functions, duties, assets, and fund to the HCDA. This measure was not referred to the Committee of Hawaiian Affairs and the property in question is public ceded lands which is within the Committee's *kuleana* (responsibility)"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1020, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 891) recommending that H.B. No. 1039, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1039, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to transportation and the issuance of Grant Anticipation Revenue Vehicles (GARVEE) bonds. This measure is premature and needs more discussion."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1039, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 897) recommending that H.B. No. 905, 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 H.B. No. 905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 898) recommending that H.B. No. 129, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 129, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Lee's written remarks in support of the measure are as follows:

"I'd like to speak in favor of HB No. 129. The Perinatal Addiction Treatment of Hawaii Clinic was established in 2006 to help address community and legislative concerns about the lack of effective intervention with pregnant, substance-using women in Hawaii. Rather than locking these women up and putting their children in State custody, it was proposed at that time by Dr. Tricia Wright, PATH Clinic founder and medical director, that more effective and medically-appropriate ways to address this troubling issue was to treat these women in a respectful and humane medical manner that addressed the many health related needs of these women and their infants and children.

"Four years later, the PATH Clinic has proven itself to be perhaps the most cost effective treatment in the country for substance using pregnant women. Over 94% of women delivering via the PATH Clinic are non-substance using at the time of their baby's birth, and over 95% women retain custody of their infants 8 weeks after delivery saving the State further cost for child protection and care. PATH also acts as the bridge to treatment for many of their clients who have been unwilling or unable to access substance abuse treatment prior to their PATH experience.

"The array of services developed by the small and modest, but surprisingly comprehensive PATH Clinic provides the women with the support and skills they need in order to be successful mothers and productive adults. The medical cost of caring for one very low birth-weight infant post delivery in Hawaii can be thousands and thousands of dollars which PATH has more than saved yearly over the past four years of its operation. Please indicate your support for the work of this clinic by voting for this bill. 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. 129, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 899) recommending that H.B. No. 160, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 160, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 900) recommending that H.B. No. 761, 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 H.B. No. 761, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 901) recommending that H.B. No. 978, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 978, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks in support of the measure are as follows:

"Mr. Speaker, I rise in support with concern. This measure relates to health and authorizes the Hawaii Health Systems Corporation to lease Kula Hospital's medical clinic and all equipment, furnishings, and fixtures therein, to Malama I Ke Ola Health Center. This measure was not referred to the Committee on Hawaiian Affairs. Malama I Ke Ola Health Center is part of the Native Hawaiian Health Centers program and *kuleana* of the Committee on Hawaiian Affairs. Hospitals are on ceded lands."

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 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 902) recommending that H.B. No. 1045, 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 H.B. No. 1045, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 904) recommending that H.B. No. 1303, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1303, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla's written remarks in support of the measure are as follows:

"HB1303 H.D.2 authorizes the Hawaii Public Housing Authority to assess a fee on all units for community facility maintenance. It requires a minimum rent schedule for housing projects and annual Consumer Price Index adjustments of minimum rent.

"Mr. Speaker, requiring public housing residents to contribute to both common areas and personal lodging expenses will both help Hawaii public housing to become self-sustaining and help create a sense of pride and community ownership for residents. Currently there is a backlog of deferred maintenance. This creates a "slum" atmosphere, which decreases morale and the desire to improve one's life.

"This measure, if it becomes law, will bring money into the State general fund. Mr. Speaker, I urge you and my colleagues to support HB1303 H.D.2

"Mr. Speaker, thank you for the opportunity to offer comments."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1303, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 906) recommending that H.B. No. 1584, 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 H.B. No.

1584, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO EXPLORE OPPORTUNITIES TO FOSTER INTERNATIONAL RELATIONSHIPS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 907) recommending that H.B. No. 718, 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 H.B. No. 718, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER YOUTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 909) recommending that H.B. No. 1513, 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 H.B. No. 1513, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 918) recommending that H.B. No. 1009, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1009, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 919) recommending that H.B. No. 1532, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1532, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 921) recommending that H.B. No. 1065, 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 H.B. No. 1065, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 922) recommending that H.B. No. 1066, 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 H.B. No. 1066, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 926) recommending that H.B. No. 1642, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1642, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 927) recommending that H.B. No. 1529, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1529, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Nakashima's written remarks in support of the measure are as follows:

"Mr. Speaker, one of the most important and historically significant bills that we adopt today is House Bill 1529 that would put the State of Hawaii back on track with regard to planning for the future of Hawaii. This bill would create a combined legislative and administration working group that would insure the update and implementation of Chapter 226, Hawaii Revised Statutes. More commonly known as the Hawaii State Plan, this document has lay mostly dormant for the past thirty years and is badly in need of updating and commitment by Hawaii's leaders to insure that future investment and allocation of State resources will no longer be squandered and that allocation of money by the State Legislature is transparent and deliberate."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1529, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 929) recommending that H.B. No. 909, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 909, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 930) recommending that H.B. No. 1003, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1003, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 932) recommending that H.B. No. 1339, 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 H.B. No. 1339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 936) recommending that H.B. No. 1524, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1524, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks in support of the measure are as follows:

"This bill seeks to deter and prevent agricultural theft. Certain key elements of the original measure were removed. However I believe that the House must consistently support the many facets of Hawaii's agriculture industry. In that regard, addressing agriculture theft is sensible and I urge my colleagues to vote yes on HB 1554."

Representative Nakashima's written remarks in support of the measure are as follows:

"House Bill 1524 requires those sentenced for agricultural theft to provide restitution to the victim. It includes in the offense of theft in the second degree the failure to maintain required certificates while in possession of agricultural commodities

"There have been many cases on the Island of Hawaii relating to agricultural theft. Generally, these cases have a similar fact pattern. A farmer catches someone on the farmer's property – usually late at night – and the alleged thief has a bag of produce on the ground. Many times the thief does not choose the best fruit, and often times does damage to the plants. If the farmer catches the thief too soon – before they have taken a substantial haul of product – the crime is a petty misdemeanor because the value is under \$100.

"Agricultural theft is a serious problem on the Island of Hawaii causing economic hardship and massive losses of agricultural products. According to the Hawaii Agricultural Statistic Service, it is estimated that farmers and ranchers lose \$1.9 million per year due to agricultural theft. While agricultural products are being stolen on a consistent basis, it is equally devastating for Hawaii's farmers and ranchers when their equipment and supplies are also stolen from their property. I believe that this bill is an important first step in addressing the difficulties faced by Hawaii's farmers and ranchers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1524, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 941) recommending that H.B. No. 663, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 663, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Third Reading by a vote of 51 ayes.

THIRD READING

H.B. No. 1087, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 51 ayes.

H.B. No. 316, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 316, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," passed Third Reading by a vote of 51 ayes.

H.B. No. 716, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 716, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 44, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 44, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 354, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 354, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Third Reading by a vote of 51 ayes.

H.B. No. 439, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Third Reading by a vote of 51 ayes.

H.B. No. 1007, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1007, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN," passed Third Reading by a vote of 51 ayes.

H.B. No. 241, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 1221, HD 1:

Representative B. Oshiro moved that H.B. No. 1221, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai's written remarks in support of the measure are as follows:

"Thank you, Mr. Speaker. I rise in support of this measure. H.B. 1221 would establish a very limited exemption for liquor licensees of large public facilities such as the Aloha Stadium, Waikiki Shell, and Neal S. Blaisdell Center.

"Licensees would still have to have security plans for preventing minors from drinking on the licensed premises approved by the appropriate county liquor commission, and would still have to carry out their security plans in good faith.

"This limited exemption would recognize the unique circumstances and difficulties faced by licensees providing liquor for events in large public facilities.

"The success of such events depends on attracting a broad age-range of customers, including customers over and under the age of 21. And many customers over the age of 21 (Hawaii's legal drinking age) like to have beer, wine, and other liquor at events at the Stadium, Shell, and Blaisdell Center.

"I support this bill because I feel that if a liquor licensee who serves alcohol in a large public facility, receives the appropriate county liquor commission's approval of their security plan and implements the plan accordingly, should not be punished for a breach in the security plan that is not in their control.

"I believe the venues all do their best to keep drinks out of the hands of minors; however, there will be those irresponsible consumers who choose to do otherwise. Punishing the venue for not monitoring every single adult beverage from point of sale to consumption is beyond the purview of this Body. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1221, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 51 ayes.

H.B. No. 381, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS," passed Third Reading by a vote of 51 ayes.

H.B. No. 618, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Third Reading by a vote of 51 ayes.

H.B. No. 1089, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 51 ayes.

H.B. No. 1091, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1091, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," passed Third Reading by a vote of 51 ayes.

H.B. No. 1319, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROGRESSIVE TAX REFORM TASK FORCE," passed Third Reading by a vote of 51 ayes.

H.B. No. 404, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 404, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Third Reading by a vote of 51 ayes.

H.B. No. 744, HD 1:

Representative B. Oshiro moved that H.B. No. 744, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks in support of the measure are as follows:

"HB744 would create the Dam Safety Task Force to be made up of the Chairperson of the Board of Land and Natural Resources who would also be the Task Force Chair, the Chairperson of the Board of Agriculture; the Attorney General and others

"Dams, reservoirs and irrigation systems are all necessary aspects to a sustainable agriculture industry in Hawaii. In that respect, it is prudent to have an entity to review applicable laws, rules, and ordinances and to recommend actions to be taken by the engineering division of the Department of Land and Natural Resources (DLNR) in its administration of the Hawaii Dam Safety Program. Therefore I am in support of this measure."

The motion was put to vote by the Chair and carried, and H.B. No. 744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," passed Third Reading by a vote of 51 ayes.

H.B. No. 814, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 814, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Third Reading by a vote of 51 ayes.

H.B. No. 973, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 973, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 1060, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

H.B. No. 418, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 418, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX LAW," passed Third Reading by a vote of 51 ayes.

H.B. No. 79, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 79, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 51 ayes.

At 9:19 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1067, HD 1
H.B. No. 1053, HD 1
H.B. No. 904, HD 2
H.B. No. 1098, HD 1
H.B. No. 616, HD 2
H.B. No. 597, HD 1
H.B. No. 238, HD 2
H.B. No. 1093, HD 1
H.B. No. 1094, HD 1
H.B. No. 594, HD 2
H.B. No. 453, HD 1
H.B. No. 1005, HD 2
H.B. No. 1064, HD 2
H.B. No. 1070, HD 2
H.B. No. 1333, HD 1
H.B. No. 1368, HD 2
H.B. No. 931
H.B. No. 1139
H.B. No. 1613, HD 1
H.B. No. 980, HD 1
H.B. No. 758, HD 1
H.B. No. 290, HD 1
H.B. No. 424
H.B. No. 1570, HD 2
H.B. No. 596, HD 1
H.B. No. 855, HD 1
H.B. No. 1286, HD 2
H.B. No. 927, HD 1
H.B. No. 1017, HD 2
H.B. No. 1568, HD 2
H.B. No. 823, HD 1
H.B. No. 916
H.B. No. 775
H.B. No. 1322, HD 2
H.B. No. 1327, HD 2

H.B. No. 1603, HD 1
 H.B. No. 773, HD 1
 H.B. No. 1055, HD 1
 H.B. No. 1313, HD 2
 H.B. No. 908
 H.B. No. 830
 H.B. No. 1323, HD 1
 H.B. No. 461, HD 1
 H.B. No. 492, HD 2
 H.B. No. 605, HD 2
 H.B. No. 1000, HD 2
 H.B. No. 1088, HD 1
 H.B. No. 491, HD 1
 H.B. No. 1109, HD 1
 H.B. No. 169, HD 2
 H.B. No. 174, HD 1
 H.B. No. 175, HD 2
 H.B. No. 527, HD 2
 H.B. No. 587, HD 2
 H.B. No. 1036, HD 1
 H.B. No. 1076, HD 1
 H.B. No. 960, HD 1
 H.B. No. 898, HD 2
 H.B. No. 1384, HD 2
 H.B. No. 889, HD 2
 H.B. No. 326, HD 1
 H.B. No. 1201, HD 1
 H.B. No. 561, HD 1
 H.B. No. 667, HD 1
 H.B. No. 1342, HD 1
 H.B. No. 318, HD 2
 H.B. No. 1008, HD 2
 H.B. No. 49, HD 1
 H.B. No. 1241, HD 2
 H.B. No. 1133, HD 2
 H.B. No. 139, HD 1
 H.B. No. 337, HD 1
 H.B. No. 1049, HD 2
 H.B. No. 1447, HD 2
 H.B. No. 1052, HD 2
 H.B. No. 850, HD 1
 H.B. No. 377, HD 2
 H.B. No. 389, HD 3
 H.B. No. 1312, HD 2
 H.B. No. 1405, HD 1
 H.B. No. 505, HD 2
 H.B. No. 324, HD 2
 H.B. No. 915, HD 2
 H.B. No. 1079, HD 2
 H.B. No. 1082, HD 1
 H.B. No. 1431, HD 1
 H.B. No. 270
 H.B. No. 397, HD 2
 H.B. No. 297, HD 1
 H.B. No. 245, HD 1
 H.B. No. 301
 H.B. No. 302, HD 1
 H.B. No. 1071, HD 2
 H.B. No. 986, HD 2
 H.B. No. 801, HD 2
 H.B. No. 1179, HD 3
 H.B. No. 1063, HD 1
 H.B. No. 1540
 H.B. No. 688, HD 2
 H.B. No. 945, HD 2
 H.B. No. 866, HD 2
 H.B. No. 1020, HD 2
 H.B. No. 1039, HD 1
 H.B. No. 905, HD 1
 H.B. No. 129, HD 2
 H.B. No. 160, HD 2
 H.B. No. 761, HD 1
 H.B. No. 978, HD 2

H.B. No. 1045, HD 1
 H.B. No. 1303, HD 2
 H.B. No. 1584, HD 1
 H.B. No. 718, HD 1
 H.B. No. 1513, HD 1
 H.B. No. 1009, HD 2
 H.B. No. 1532, HD 2
 H.B. No. 1065, HD 1
 H.B. No. 1066, HD 1
 H.B. No. 1642, HD 2
 H.B. No. 1529, HD 2
 H.B. No. 909, HD 2
 H.B. No. 1003, HD 2
 H.B. No. 1339, HD 1
 H.B. No. 1524, HD 2
 H.B. No. 663, HD 2

H.B. No. 1087, HD 1
 H.B. No. 316, HD 1
 H.B. No. 716, HD 1
 H.B. No. 44, HD 1
 H.B. No. 354, HD 1
 H.B. No. 439, HD 1
 H.B. No. 1007, HD 1
 H.B. No. 241, HD 1
 H.B. No. 1221, HD 1
 H.B. No. 381, HD 1
 H.B. No. 618, HD 1
 H.B. No. 1089, HD 1
 H.B. No. 1091, HD 1
 H.B. No. 1319, HD 1
 H.B. No. 404, HD 1
 H.B. No. 744, HD 1
 H.B. No. 814, HD 1
 H.B. No. 973, HD 1
 H.B. No. 1060, HD 1
 H.B. No. 418, HD 1
 H.B. No. 79, HD 1

At this time, the Chair announced:

"Members, please remember to submit to the Clerk your list of House Bills on the Consent Calendar for which you will be inserting your comments, either in support or in opposition, into the Journal. This must be done by the adjournment of today's Floor session.

"So for all of you, I'll probably give you until 7:20 p.m. That's my estimate for the time we will get through this evening. I'm just saying 7:20 or earlier if we have a limited amount of debate on the next 250-something measures."

LATE INTRODUCTIONS

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

Representative Har introduced 3rd, 4th and 5th grade students of Makakilo's Mauka Lani Elementary School Ohana Council. They were accompanied by their advisors, Mrs. Teson, Ms. Sakato and Mrs. Domingo.

At 9:21 o'clock a.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:22 o'clock a.m.

The Chair then clarified:

"Members, prior to the recess, we did take the vote on Third Reading and I announced that, 'said bills passed Third Reading' at that point in time. The procedure was correct. So we will take a recess for 15 minutes."

At 9:22 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:45 o'clock a.m. with Vice Speaker Manahan presiding.

ORDINARY CALENDAR

At this time, the Chair announced:

"At this time we will take certain items out of order. On page 41, Stand. Com. Rep. No. 912."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 912) recommending that H.B. No. 341, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 341, HD 3, pass Third Reading, seconded by Representative Evans.

At this time, Representative Rhoads offered Floor Amendment No. 1, amending H.B. No. 341, HD 3, as follows:

"SECTION 1. H.B. No. 341, H.D. 3, RELATING TO EMPLOYMENT PRACTICES, is amended by amending section 1 to read as follows:

SECTION 1. Section 378-32, Hawaii Revised Statutes, is amended to read as follows:

"§378-32 Unlawful suspension, discharge, or discrimination. (a) It shall be unlawful for any employer to suspend, discharge, or discriminate against any of the employer's employees:

- (1) Solely because the employer was summoned as a garnishee in a cause where the employee is the debtor or because the employee has filed a petition in proceedings for a wage earner plan under Chapter XIII of the Bankruptcy Act; or
- (2) Solely because the employee has suffered a work injury which arose out of and in the course of the employee's employment with the employer and which is compensable under chapter 386 unless the employee is no longer capable of performing the employee's work as a result of the work injury and the employer has no other available work which the employee is capable of performing. Any employee who is discharged because of the work injury shall be given first preference of reemployment by the employer in any position which the employee is capable of performing and which becomes available after the discharge and during the period thereafter until the employee secures new employment. This paragraph shall not apply to any employer in whose employment there are less than three employees at the time of the work injury or who is a party to a collective bargaining agreement which prevents the continued employment or reemployment of the injured employee;
- (3) Because the employee testified or was subpoenaed to testify in a proceeding under this part; or
- (4) Because an employee tested positive for the presence of drugs, alcohol, or the metabolites of drugs in a substance abuse on-site screening test conducted in accordance with section 329B-5.5; provided that this provision shall not apply to an employee who fails or refuses to report to a laboratory for a substance abuse test pursuant to section 329B-5.5.

(b) It shall be an unlawful practice for an employer or a labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee uses accrued and available sick leave; provided that, after an employee uses three or more consecutive days of sick leave, an employer or labor organization may require the employee to provide written verification from a physician indicating that the employee was ill when the sick leave was used.

(c) Employers and labor organizations are not prohibited from barring or discharging from employment, withholding pay from, or demoting an

employee if the employee is unable to fulfill the essential job functions or requirements of the employee's position.

(d) Subsections (b) and (c) shall only apply to employers who have:

(1) A collective bargaining agreement with their employees; and

(2) One hundred or more employees."

At 9:47 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:48 o'clock a.m.

Representative Rhoads moved that Floor Amendment No. 1 be adopted, seconded by Representative Yamashita.

Representative Rhoads rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, in support. Through the vagaries of miscommunication, sleep deprivation, things that happen at Finance late at night, the bill that stands before us today is basically 180 degrees from what was intended. The underlying principle is that you should be able to take sick leave if you're actually sick.

"This bill as it stands now would make it so that only small businesses are affected, those with under 100 employees, and those without collective bargaining agreements. The intent of both the Labor Committee and the Finance Committee, I believe, was to exempt those small businesses, those under 100 employees and to only include businesses with collective bargaining agreements. Therefore the necessity of this floor amendment."

The motion that Floor Amendment No. 1, amending H.B. No. 341, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES" be adopted, was put to vote by the Chair and carried.

At 9:49 o'clock a.m. the Chair noted that Floor Amendment No. 1, was adopted.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 1134, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1134, HD 1, pass Third Reading, seconded by Representative Evans.

At 9:49 o'clock a.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:50 o'clock a.m.

At this time, Representative Pine offered Floor Amendment No. 2, amending H.B. No. 1134, HD 1, as follows:

"SECTION 1. House Bill No. 1134, House Draft 1, is amended by deleting its contents, and replacing it with the following text, to read as follows:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the health and well-being of Hawaii's residents and families is paramount. Consequently, for over thirty years, the Hawaii Prepaid Health Care Act has protected the welfare of the people of Hawaii, offering residents unparalleled access to health care benefits and services. The Hawaii Prepaid Health Care Act has accomplished this through various mandates, such as requiring employers who employ one or more full-time employees to provide health insurance, setting the standards for health care coverage in Hawaii, limiting the

amount that employees must contribute to premiums, and requiring employees to accept coverage unless covered under another health insurance plan (e.g., a spouse's plan). This has resulted in Hawaii having robust health care plans, low uninsured rates, and some of the lowest premiums in the country. While Hawaii experiences some of the same issues relative to access, quality, and cost as other states across the country, the Hawaii Prepaid Health Care Act has ensured system stability throughout the State.

The legislature further finds that at the time the Hawaii Prepaid Health Care Act was enacted, the legislature anticipated future federal health care reform legislation. Thus, the Hawaii Prepaid Health Care Act included a termination clause in the event such federal legislation was passed. Section 393-51, Hawaii Revised Statutes, states:

This chapter shall terminate upon the effective date of federal legislation that provides for voluntary prepaid health care for the people of Hawaii in a manner at least as favorable as the health care provided by this chapter, or upon the effective date of federal legislation that provides for mandatory prepaid health care for the people of Hawaii.

The legislature further finds that in 1993, the newly-installed Clinton administration launched health care reform onto the national agenda. Concerned that the federal law would jeopardize the quality of health care that people enjoyed in Hawaii because of the Hawaii Prepaid Health Care Act, the legislature enacted Act 99, Session Laws of Hawaii 1994, which repeals the Hawaii Prepaid Health Care Act's termination clause upon the effective date of any federal act permitting an amendment of the Hawaii Prepaid Health Care Act.

While the Clinton reform did not materialize, national health care reform finally became a reality with the enactment of the federal Affordable Care Act in 2010. Although the Affordable Care Act generally provides for individual and employer health care coverage, it acknowledges the success of Hawaii's prepaid health care model by providing for the continuance of the Hawaii Prepaid Health Care Act in Section 1560(b) of the Affordable Care Act, as follows:

Nothing in this title (or an amendment made by this title) shall be construed to modify or limit the application of the exemption for Hawaii's Prepaid Health Care Act (Haw. Rev. Stat. §§ 393-1 et seq.) as provided for under section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)).

The legislature understands the value of the Affordable Care Act and the efforts of the President and United States Congress. However, the legislature continues to believe that the Hawaii Prepaid Health Care Act provides superior benefits for the people of Hawaii, and the legislature is wary that current efforts to move Hawaii to the Affordable Care Act will jeopardize the Hawaii Prepaid Health Care Act. Therefore, the

legislature believes it is imperative to study this issue before introducing any legislation that attempts to preempt the Affordable Care Act and jeopardize the Hawaii Prepaid Health Care Act.

SECTION 2. (a) There is hereby created the Hawaii prepaid healthcare task force to assess the current state of the Hawaii Prepaid Healthcare Act and the effects that the Affordable Care Act will have on the Hawaii Prepaid Healthcare Act and report back to the legislature.

(b) The task force shall consist of fifteen members and be as follows:

(1) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives;

(2) Two members of the senate, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader of the senate;

(3) The Director of Health or their designee;

(4) The Director of Labor and Industrial Relations or their designee;

(5) The two US Senators from Hawaii or their designee;

(6) The two members of the US House of Representatives from Hawaii or their designee;

(7) The Attorney General or his designee; and

(8) The Governor or his designee.

(9) A representative from the health insurance industry or their designee;

(10) A representative from Hawaii Medical Association or their designee;

(11) The Dean of John A. Burns School of Medicine or their designee;

(12) A licensed physician in the State of Hawaii chosen by the other members; and

(13) A labor attorney, with an expertise in ERISA, chosen by the Hawaii Bar Association Labor Law Division.

(c) The task force shall meet at least four times and additionally as convened by the chairperson.

(d) The task force shall:

(1) Assess the Hawaii Prepaid Health Care Act, and establish the data on how many people are covered by the Act and the affects of the Act on the people of Hawaii;

(2) Study and evaluate the Federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued under, those Acts.

(3) Study and evaluate the affect that proposed changes to the Hawaii Prepaid Healthcare Act, such as HB 1134 as originally introduced, would have on the ERISA exemption for Hawaii; and

(4) The task force shall prepare and submit a written report, 30 days prior to the convening of the 2012 legislature that includes:

(A) A summary of the work accomplished by the task force over the prior year;

(B) An assessment of the Hawaii Prepaid Health Care Act and the statistics requested;

(C) An assessment of federal Patient Protection and Affordable Care Act;

(D) An assessment of proposed legislation to amend the Hawaii Prepaid Health Care Act and the affect of ERISA preemption on the proposed legislation; and

(E) Any legislative recommendations, with a statement of how the ERISA preemption will affect the proposed legislation as the task force deems necessary.

(e) The task force shall terminate at the convening of the 2012 legislature.

SECTION 4. This Act shall take effect upon approval."

Representative Pine moved that Floor Amendment No. 2 be adopted, seconded by Representative Ward.

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"Yes, Mr. Speaker. Thank you very much for the opportunity. This bill relates to what is otherwise known as 'Obamacare.' And it purports to want to save Hawaii's Prepaid Health Care Act. But the State Attorney General has said this bill would jeopardize Hawaii's health care law because this change will trigger preemption by the Federal Employee Retirement Income Security Act of 1974, otherwise known as ERISA.

"The Attorney General appointed by Governor Abercrombie is saying this bill will damage our healthcare system, so why are we pushing this legislation here today? This bill acknowledges that the Affordable Health Care Act of Hawaii also known as Obamacare is not as good as Hawaii's Prepaid Health Care Act. So why are we in this Chamber wanting to implement parts of Obamacare when our own bill is saying that our own Hawaii's Prepaid Health Care Act is superior to Obamacare.

"The Hawaii Congressional Delegation reportedly put language in the Obamacare bill to protect Hawaii's Prepaid Health Care Act, so basically what the Attorney General is trying to say, Mr. Speaker, is we received

this exemption from Obamacare, but today what we are doing is making changes to the very law that got that approval for us. And so really what we're just asking is if we can instead do a task force that can include our congressional delegation, include members of the House and Senate, include people in the health industry, our Health Director, to give us a little bit more time.

"Our congressional delegation as you know, Mr. Speaker, worked extremely hard on passing Obamacare for American citizens. And they worked extremely hard to ensure that since we have one of the best healthcare systems in the nation that our healthcare system will be excluded from having to be a part of this Act. And it was because of this exemption that we felt in Hawaii that our healthcare will not be in jeopardy because it's doing pretty good right now for our citizens.

"So by us passing this piece of legislation today as is, without instead turning it into a task force where we can look into this and work with our congressional delegation and people that understand ERISA better, we are therefore putting in jeopardy our ability to be exempted by the Obamacare Act."

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I also rise in favor of this amendment. The amendment is to buy some time to think, to contemplate, to reason before we move, or we contemplate before we jump into this. In addition to what the Minority Floor Leader said I'd like to add three questions; three that hopefully we will all contemplate.

"Wouldn't repealing the termination clause subject Hawaii's Prepaid Health Care Act lead to possible lawsuits and are we willing to put up the money at this time of hard economic times to defend HB 1134? And would it likely not create more confusion in already a process by which as you know some of the colleagues said, 'Well, let's pass the bill first and then we'll read it and understand it second.' And we know that the bill has come in almost at twice the cost from the CBO estimates.

"The second question is, if the goal is to preserve the Hawaii Prepaid Health Care Act, then what happens if a national healthcare plan comes along that is better than the Hawaii system. Do we then need to undo this bill?

"And then question three, which is as important. Would the sponsor of this bill please explain what ERISA does and why he is willing to allow ERISA to preempt our State's Prepaid Health Care Law that has worked so effectively over the past 35 years?

"Mr. Speaker, the question is, would the Chair of the Health Committee be so gracious as to stand up and respond to the question regarding ERISA and what we may be risking, or not risking, according to his assessment of having pass this bill."

Representative Yamane rose to respond, stating:

"Thank you, Mr. Speaker. I am not the primary introducer of this measure and I will ask for a brief recess if anybody wants to ask me a question, they are free to do so."

At 9:56 o'clock a.m. Representative Yamane requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:57 o'clock a.m.

Representative Ward continued, stating:

"Mr. Speaker, with your permission, I would like to redirect the question to the actual sponsor of the bill who probably knows ERISA very well because I know he's read ERISA. He's read the bill. And he usually thinks some of us haven't, so his enlightenment would be greatly appreciated."

Representative B. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition to the floor amendment. I'll just be very brief. Actually what this does is it goes back, and if you look at the actual bill and what we're talking about, it is Act 99 which was going back to 1993. At that time, we had to actually try to repeal the sunset. So 18 years ago we tried to do the same thing because at that time what we realized was our Prepaid Health Care Act is about one of the best in the nation. It's about the best that you can get.

"And businesses have kind of realized that, 'We know what we're dealing with. We know what the devil is. We may not like it, but we don't want the changes.' So at that time back in 1993, 18 years ago, we tried to repeal it. And that has just sat on the books. Act 99 has just sat on the books for 18 years.

"Now that the federal government has passed a healthcare law that potentially in 2014 could have an effect of ending our Prepaid Health Care Act. This bill is intended to actually take destiny in our own hands and say, 'If we want to end our Prepaid Health Care Act, that is something we can do on our own.'

"There have been legal questions raised as to whether we are preempted, because under ERISA we have an exemption and we cannot substantively amend our Prepaid Health Care Act without getting federal approval.

"First, I would say that Act 99 has already proven that for 18 years. Preemption hasn't been brought and therefore our Prepaid Health Care Act has continued for 18 years.

"Secondly, I would also say that the Attorney General did clarify that if there is any preemption issue under the severability interpretation under our Constitution, as well as the statutes, the only thing they will be striking down is this singular act. And they wouldn't be striking down the entire Prepaid Health Care Act.

"So preemption only works in a limited fashion. What I mean by that is, it would only go as far as it needs to if, and that's a big if, we're going into a substantive area by terminating the sunset clause here, if that is the intent of preemption. At that point that singular act will be actually invalidated, but not the Prepaid Health Care Act.

"So for those reasons, I don't think that there is any need for us to go through this task force. It's something that we have until 2014 to figure out and therefore I will continue to advocate for the underlying bill and stand in opposition to this amendment."

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you. Mr. Speaker, I'm rising in support of the floor amendment and I would like to ask permission to insert the remarks of the Attorney General into the Journal. Thank you."

Representative Thielen submitted testimony from the Department of the Attorney General dated February 23, 2011, as follows:

"The Attorney General is opposed to the bill because the proposed changes are likely preempted by the Employee Retirement Income Security Act of 1974 ("ERISA").

The bill amends chapter 393, Hawaii Revised Statutes ("HRS"), also known as the Hawaii Prepaid Health Care Act ("PHCA"), by repealing chapter 393, part V, HRS, (part V consists of section 393-51, HRS, the termination provision quoted below). Section 393-51, HRS, provides that the "chapter shall terminate upon the effective date of federal legislation that provides for voluntary prepaid health care for the people of Hawaii in a manner at least as favorable as the health care provided by this chapter, or upon the effective date of federal legislation that provides for mandatory prepaid health care for the people of Hawaii." The bill will also repeal Act 99, passed by the Legislature in 1994, which repeals chapter 393, part V, HRS, and which becomes effective

"upon the effective date of any federal act permitting the amendment of the Hawaii Prepaid Health Care Act." We note that to date, no such amendment has been enacted by Congress.

The Attorney General believes that the amendments made by the bill are preempted by ERISA. ERISA regulates pension and benefit plans and establishes standards for the administration of such plans. ERISA has a sweeping preemption provision that provides in relevant part that ERISA "shall supersede any and all State laws insofar as they may now or hereafter relate to any employee benefit plan." 29 U.S.C.A. § 1144(a). The subsection, in full, provides as follows:

Except as provided in subsection (b) of this section, the provisions of this subchapter and subchapter III of this chapter shall supersede any and all State laws insofar as they may now or hereafter relate to any employee benefit plan described in section 1003(b) of this title. This section shall take effect on January 1, 1975.

There is a narrow exemption from ERISA preemption for the Hawaii PHCA. 29 U.S.C.A. § 1144(b) (5) (A) provides as follows:

Except as provided in subparagraph (B), subsection (a) of this section shall not apply to the Hawaii Prepaid Health Care Act Haw. Rev. Stat. §§ 393-1 through 393-51).

That exemption applies only to the PHCA as it existed on September 2, 1974. 29 U.S.C.A. § 1144(b) (5) (B) (ii) provides as follows:

Nothing in this subparagraph (A) shall be construed to exempt from subsection (a) of this section-(ii) any amendment of the Hawaii Prepaid Health Care Act enacted after September 2, 1974, to the extent it provides for more than the effective administration of such Act as in effect on such date.

In other words, the ERISA preemption provision applies to any amendments to the PHCA "to the extent it provides for more than the effective administration" of the PHCA. Any substantive amendment to the PHCA would go beyond the allowable exemption of amendments only for the "effective administration" of the PHCA and would, therefore, be subject to preemption. *Council of Hawaii Hotels v. Aghsalud*, 594 F. Supp. 449 (D. Haw. 1984) (amendment to require plans negotiated through collective bargaining to contain the required minimum benefits constituted a substantive change and was preempted).

The plain meaning of the word "administration" is the "performance of executive duties management." Merriam-Webster's Collegiate Dictionary 15 (10th ed. 1993). In *Council of Hawaii Hotels vs. Aghsalud*, supra, the court commented on the meaning of "effective administration" as follows:

Finally, the legislative history of the ERISA amendment indicates that Congress intended the term "effective administration" to be construed strictly. It is clear that Congress intended to adhere to *Standard Oil*, preempting the Act's drug and alcohol abuse treatment provisions. State officials had lobbied to restore state regulation of prepaid health care plans, and the accommodation reached was that the Hawaii Act would be given effect, but only as to its substantive provisions in effect on September 2, 1974. Any subsequently enacted substantive change would succumb to "the broad scope of ERISA preemption." The ERISA Amendment thus was to "operate only as a narrow exception." *Id.* At 455 (footnotes omitted).

The Attorney General believes that the repeal of the termination provision of the PHCA, section 393-51, HRS, as proposed in this bill, is not an amendment that provides for the effective administration of the PHCA because it does not merely address the performance of executive duties, but goes to the substance of whether Hawaii's PHCA continues in force or not. Therefore, we believe the amendment is subject to preemption by ERISA.

We respectfully request that this bill be deferred."

Representative Herkes rose to speak in opposition to the proposed floor amendment, stating:

"In opposition. When your Committee on Consumer Protection heard this bill, everybody was supportive except the Attorney General so we deferred it, only to learn that the Attorney General's opinion was flawed and so we came back and passed it."

Representative Ward rose to respond, stating:

"Mr. Speaker. A brief note of appreciation, in rebuttal. I appreciate the Majority Floor Leader's comments and historical note. However, he himself admitted there are legal questions. The last I checked, it's 2011. The last we understood it was 2014 when this Obamacare goes in effect. We've got three years, Mr. Speaker. So what's the hurry if there are legal questions? Why rush into it? Why leap into something we're not sure how deep the water is? So I think caution is the better message here, and discretion the better part of valor. Thank you."

Representative Pine rose to respond, stating:

"You know, Mr. Speaker, sometimes when I want to get a reality check I visit my grandmother. I'm still in opposition, in rebuttal and confusion. Because sometimes we can be in this building, and we can hear all this terminology. But still there are some really smart people out there and I like to talk to my grandmother. She's a longtime plantation worker and so sometimes she just wants to hear things straight.

"And so I say, 'Well grandmother, how did we do on the Floor today?' And she says, 'Oh baby, you sound so smart, all of you, but you still don't make any sense.' We keep repeating that we have until 2014, so what's the rush? What is the rush of passing this bill today, Mr. Speaker?

"We have the Attorney General saying one thing. Then we have someone saying that they believe in their opinion, that the Attorney General's opinion is flawed. Then you have another lawyer telling us, 'Well, if you pass that, oh my gosh, you're going to mess us the Prepaid Health Care Act,' an Act that took years, years for us to put together as a Legislature.

"So what the Republican Caucus is just doing today, it's not that we're against trying to make healthcare better, or trying to make adjustments. We have a little red flag in our minds right now. We have a fact. The one fact that we have that we can all clarify that is true and agree on is that we have until 2014. So all we're saying is on this very, very important piece of legislation, let's move wisely. Let's move slowly, and let's ensure that we make sure that we check with just about everybody that has an opinion and get the final opinion from our congressional delegation who will let us know whether we would hurt our exemption of Obamacare."

Representative Yamane rose to speak in opposition to the to the proposed floor amendment, stating:

"Mr. Speaker, I'm standing in opposition. Could I have the good words from the Representative from Aiea inserted as my own? Also, Mr. Speaker, again to support the Chair of Consumer Protection, we did get an opinion, a revised opinion by the Attorney General addressing the matter from the previous testimony on the February 23rd hearing date.

"Mr. Speaker, I'd also like to address some of the issues regarding moving slowly. On the issue about getting feedback from our congressional delegation, we've been doing that consistently and periodically on this matter, Mr. Speaker. This discussion started with our congressional delegation and with the previous Administration and their Attorney General on this issue of the Prepaid Health Care Act, and its impact on healthcare reform, Mr. Speaker. So this is an ongoing, periodic situation and does not require an unwieldy 15-member task force. Thank you."

The motion that Floor Amendment No. 2, amending H.B. No. 1134, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE," be adopted, was put to vote by the Chair and upon a voice vote,

failed to carry, with Representatives Herkes, B. Oshiro and Yamane voting no.

(Main Motion)

At 10:04 o'clock a.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:06 o'clock a.m.

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

"Yes just in opposition, Mr. Speaker. I would like to reinsert the comments that I said in support of amending this bill. I continue to believe that this is really important legislation that could affect people's lives and that we should take that extremely, extremely seriously. We should move slowly on this with the time that we are allowed to have."

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

"Mr. Speaker, I rise in opposition to the main motion. Thank you. And I appreciate the Chair of Health who did explain during the recess that the Attorney General is no longer opposed to it. He doesn't say however, that he doesn't have any questions about it and I think we should wait until the congressional delegation weighs in because ERISA is a federal phenomenon, not a state one. So we've got to sync and mesh with what the feds are doing, and I would feel much more comfortable to again put this on the side and wait, and reason, and then move on it because we've got three more years to go. So for those reasons, I'm still opposed. Thank you."

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

"Thank you, Mr. Speaker. I'm standing in support of the measure. I would again like to request that the words of the Representative of Aiea also be inserted as my own regarding this measure. Also, Mr. Speaker, as to what was referred to by the Minority Leader, I would also request that the comments provided by the Department of the Attorney General to the 26th Legislature, 2011, dated Wednesday March 2nd, 2011 at 2:00 p.m., be inserted as part of my comments that indicate that specifically, in quotes, that the Attorney General is not opposed to the intent of the bill. So it adds to the issue regarding the opinion. Thank you."

Representative Yamane's written remarks as follows:

"Mr. Speaker, I stand in support of this measure. The Hawaii Prepaid Health Care Act (HPHCA) has provided countless working families with quality health care benefits since it went into effect in 1975. This progressive reform is without a doubt one of the main reasons why Hawaii's workers and their families today constitute one of the healthiest populations in the nation; 5th best in 2010 according to United Health Foundation. We have a lower uninsured rate than most of the country, and lower premiums on average. We have robust private benefit plans. In short, the HPHCA has proven itself to be effective. In anticipation of national health care reform that would presumably provide greater federal protections, the HPHCA included a sunset provision to be implemented upon the effective date of such federal legislation.

"Although such federal legislation has finally come in the form of the Patient Protection and Affordable Care Act (Public Law 111-148), the very future of this federal law remains in doubt even today. Congressional review of this Act is ongoing, with some in Congress moving to limit the law's effect by repealing certain provisions and cutting off funding to others. If these amendments pass, it is very possible that the federal health care law will not be capable of preserving the level of high quality health care currently enjoyed by Hawaii's residents under the State's HPHCA.

"It is extremely vital that the HPHCA remain in place so future generations of Hawaii residents can continue to enjoy the valuable health benefits that the Act has provided our State for the past 35 years. H.B. 1134, H.D. 1, would ensure that this happens. H.B. 1134 repeals the sunset provision of the HPHCA, and would ensure that the Act remains in

effect after the Patient Protection and Affordable Care Act goes into effect in 2014.

"Some of my distinguished colleagues have raised concerns that this proposed amendment would raise legal questions. Specifically, the fear is that amending the HPHCA would violate a federal law that exempts Hawaii from the preemptive clause of the Employment Retirement Income Security Act ("ERISA"), and could thereby invalidate the entire HPHCA. This fear stems from the language of the exemption at 29 U.S.C. § 1144(b)(5)(B)ii, which states that this exemption would not apply to any future amendments to the HPHCA except "to the extent it provides for more than the effective administration of such Act."

"However, these fears are largely unfounded. I refer my colleagues to the testimony of the Department of the Attorney General, dated March 2, 2011 at 2:00 p.m., and included below. Here, the Department states that it does not believe that the entire HPHCA would be repealed if a court subsequently rules that this amendment is preempted by the ERISA. Rather, only this specific amendment repealing the sunset clause would be preempted, and the Act as it currently stands would continue to be law. Further, it is doubtful whether repealing the sunset clause of the HPHCA would be regarded as substantively changing the Act because the repeal would not change any substantive rights or powers. In fact, courts have generally characterized sunset dates as procedural rather than substantive portions of laws.

"Therefore, it makes sense for us to move forward with this bill to ensure that the HPHCA continues to benefit Hawaii's residents. For these reasons, I stand in support of this bill."

Representative Yamane also submitted the following testimony:



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

H.B. NO. 1134, H.D. 1, RELATING TO PREPAID HEALTH CARE.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Wednesday, March 2, 2011 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call Gary S. Ige, Deputy Attorney General at 586-1450

Chair Herkes and Members of the Committee:

The Attorney General submitted testimony to this Committee on February 23, 2011, indicating opposition to the bill because of serious legal concerns. We resubmit testimony to you now to clarify our position on this bill.

Specifically, the Attorney General is not opposed to the intent of the bill, but continues to have legal concerns that the proposed repeal would likely be preempted by the Employee Retirement Income and Security Act ("ERISA"). However, since there is no case on point, should the repeal be challenged on preemption grounds, the outcome cannot be predicted with certainty.

The bill amends chapter 393, Hawaii Revised Statutes (HRS), also known as the Hawaii Prepaid Health Care Act ("PHCA"), by repealing chapter 393, part V, HRS (part V consists of section 393-51, HRS, the termination provision quoted below). Section 393-51, HRS, provides that the "chapter shall terminate upon the effective date of federal legislation that provides for voluntary prepaid health care for the people of Hawaii in a manner at least as favorable as the health care provided by this chapter, or upon the effective date of federal legislation that

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provides for mandatory prepaid health care for the people of Hawaii." The bill will also repeal Act 99, passed by the Legislature in 1994, which repeals chapter 393, part V, HRS, and which becomes effective "upon the effective date of any federal act permitting the amendment of the Hawaii Prepaid Health Care Act." We note that to date, no such amendment has been enacted by Congress.

We recognize that failing to take any action regarding the termination provision could result in the eventual repeal of the entire PHCA and that this bill is an attempt to address that concern. Nonetheless, we believe that the amendments made by the bill would likely be preempted by ERISA. ERISA regulates pension and benefit plans and establishes standards for the administration of such plans. ERISA has a sweeping preemption provision that provides in relevant part that ERISA "shall supersede any and all State laws insofar as they may now or hereafter relate to any employee benefit plan." 29 U.S.C.A. § 1144(a). The subsection, in full, provides as follows:

Except as provided in subsection (b) of this section, the provisions of this subchapter and subchapter III of this chapter shall supersede any and all State laws insofar as they may now or hereafter relate to any employee benefit plan described in section 1003(b) of this title. This section shall take effect on January 1, 1975.

There is a narrow exemption from ERISA preemption for the Hawaii PHCA. 29 U.S.C.A. § 1144(b)(5)(A) provides as follows:

Except as provided in subparagraph (B), subsection (a) of this section shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. §§ 393-1 through 393-51).

That exemption applies only to the PHCA as it existed on September 2, 1974. 29 U.S.C.A. § 1144(b)(5)(B)(ii) provides as follows:

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Nothing in this subparagraph (A) shall be construed to exempt from subsection (a) of this section--

(ii) any amendment of the Hawaii Prepaid Health Care Act enacted after September 2, 1974, to the extent it provides for more than the effective administration of such Act as in effect on such date.

In other words, the ERISA preemption provision applies to any amendments to the PHCA "to the extent it provides for more than the effective administration" of the PHCA. Any substantive amendment to the PHCA would go beyond the allowable exemption of amendments only for the "effective administration" of the PHCA and would, therefore, be subject to preemption. *Council of Hawaii Hotels v. Aagsalud*, 594 F. Supp. 449 (D. Haw. 1984) (amendment to require plans negotiated through collective bargaining to contain the required minimum benefits constituted a substantive change and was preempted).

The plain meaning of the word "administration" is the "performance of executive duties : management." *Merriam-Webster's Collegiate Dictionary* 15 (10th ed. 1993). In *Council of Hawaii Hotels v. Aagsalud*, supra, the court commented on the meaning of "effective administration" as follows:

Finally, the legislative history of the ERISA Amendment indicates that Congress intended the term "effective administration" to be construed strictly. It is clear that Congress intended to adhere to *Standard Oil*, preempting the Act's drug and alcohol abuse treatment provisions. State officials had lobbied to restore state regulation of prepaid health care plans, and the accommodation reached was that the Hawaii Act would be given effect, but only as to its substantive provisions in effect on September 2, 1974. Any subsequently enacted substantive change would succumb to "the broad scope of ERISA preemption." The ERISA Amendment thus was to "operate only as a narrow exception." *Id.* At 455 (footnotes omitted).

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The Attorney General believes that the repeal of the termination provision of the PHCA, section 393-51, HRS, as proposed in this bill, is not an amendment that provides for the effective administration of the PHCA because it does not merely address the performance of executive duties, but goes to the substance of whether Hawaii's PHCA continues in force or not. Therefore, we believe the amendment would likely be subject to preemption by ERISA.

In addition, the Attorney General believes that should the Legislature pass this bill and repeal section 393-51, HRS, and a court subsequently determines that the repeal is preempted by ERISA, such a ruling would not affect the Hawaii Prepaid Health Care Act as it exists today; only this amendment would be preempted, and the balance of the Act would remain.

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Representative Pine rose to respond, stating:

"Just in rebuttal. And again, confusion. If I was just watching us, so we all know what that means when someone says that you're not opposed to the intent. I'll say it right now. The Republican Caucus is definitely not opposed to the intent of this piece of legislation. But we're really worried. We're really, really, really worried. We should never pass anything so significant, so monumental as this when someone can only say, 'Well, I support your intent.'"

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

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? I broker health insurance," and the Chair ruled, "no conflict."

Representative Takai then stood in support of the measure with reservations 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 rise in support of this measure. Residents in Hawaii have benefitted from expanded healthcare coverage under a unique and successful employer health care mandate that has been in place for more than 30 years-the Prepaid Health Care Act (PHCA).

"The 1974 legislation of Act 210 effective January 1, 1975, provided the working uninsured with quality mandated health care benefits and maintained the prevailing standards for those employees already fortunate to have medical coverage.

"The law requires employers to insure their workers upon attainment of eligibility. The overall impact of the law since 1974 has been the

maintenance of relatively robust private benefit plans, low rates of uninsured, and some of the lowest premiums in the country.

"In anticipation of national healthcare reform that would presumably provide greater federal protections, Act 210 included a sunset provision to be implemented upon the effective date of the federal legislation.

"Subsequently, discussions on the implementation and costs of a national health program raised the question as to whether the high quality of medical benefits enjoyed by Hawaii's workers was in jeopardy.

"In 1994, the Prepaid Health Care Act was amended with Act 99 repealing the statute's termination provision. However, the repeal was made subject to a requisite amendment of the federal Employee Retirement Income Security Act of 1974 (ERISA) that would allow for the "substantive" change to the Hawaii law. As of yet, there have been no federal legislation to amend ERISA.

"While Hawaii suffers from some of the same issues relative to access, quality and cost as other states across the country, the PHCA has been the backbone over the years ensuring system stability and moderation of problems in healthcare delivery and finance.

"Although the current system has been preserved through legislative language included by Hawaii's Congressional Delegation in the federal health care reform law, the Affordable Care Act (ACA), it may unintentionally be jeopardized without further federal- and state-level legislative fixes prior to the implementation of a newly mandated health insurance exchange in 2014.

"Work to create Hawaii's health exchange, through which individuals may shop for an appropriate health plan, has just begun.

"But, while the states scramble to address the ACA, the shift in the balance of power in Washington confounds those efforts and confuses what health care reform eventually will cover.

"Hawaii's prepaid system is established and proven to be effective.

"There must be a coordination of PCHA and the ACA, specifically with respect as to how PCHA will work in tandem with the exchange.

"Resolution of this uncertainty would ensure that Hawaii's businesses, insurers, and residents understand the way in which they should invest their appreciable yet limited resources, particularly if they must radically change the way healthcare is done in Hawaii.

"The provisions of this measure offer a simple, single step to maintain the premium healthcare that the majority of people in Hawaii already enjoy."

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 Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no.

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

H.B. No. 1134, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 737) recommending that H.B. No. 1101, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1101, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Fontaine offered Floor Amendment No. 3, amending H.B. No. 1101, HD 2, as follows:

"SECTION 1. House Bill 1101 House Draft 2 is amended by adding a new section 1, to read as follows:

" SECTION 1. Section 249-31, Hawaii Revised Statutes, is amended to read as follows:

"**\$249-31 State registration fee.** (a) All vehicles and motor vehicles in the State as defined in section 249-1, including antique motor vehicles, except as otherwise provided in sections 249-4 and 249-6, shall be subject to a [~~\$25~~] **\$45** annual vehicle registration fee. The fee shall be paid each year together with all other taxes and fees levied by this chapter on a staggered basis as established by each county as authorized by section 286-51, and the state registration for that county shall likewise be staggered so that the state registration fee is due and payable at the same time and shall be collected together with the county fee. The state registration fee shall be deemed delinquent if not paid with the county registration fee. The respective counties shall collect this fee together with the vehicle registration tax collected for the county and shall transfer the moneys collected under this section to the State.

b) From each annual motor vehicle registration fee, the director shall deposit [~~\$20~~] **\$40** into the state highway fund and \$5 into the emergency medical services special fund."

(c) Except as provided in this section, and notwithstanding any other law to the contrary, all fees collected under §249-31 and deposited into the state highway fund and emergency medical services special fund shall only be used for the purposes in §248-9 and §321-234 shall not be transferred to the General Fund or any other fund except for the purpose allowed in §248-9 (3)."

At 10:11 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:11 o'clock a.m.

Representative Fontaine moved that Floor Amendment No. 3 be adopted, seconded by Representative Pine.

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"Yes, in support of the amendment, Mr. Speaker. Just to clarify. What we're doing it's just a technical thing. Something that is very important to our Caucus. We would like to add this paragraph to this bill: Except as provided in this section and not withstanding any other law to the contrary, all fees collected under 249-31 and deposited into the State Highway Fund and Emergency Medical Services Special Fund shall only be used for the purposes of the Highway Fund and the Medical Services Special Fund and shall not be transferred to the general fund or any other fund except for this purpose.

"Let me just give you some background, Mr. Speaker. For me personally, this is a very important issue. I never thought I would be a politician. I was supposed to be in broadcast journalism right now. But one day many years ago, I believe it was 2003, I was stuck on what they call Fort Weaver Road in Ewa Beach. This little seven-mile road used to take me 45 minutes just to get from my house to the top of the freeway. And I happened to also be working here, Mr. Speaker. And I realized that in 2003, and almost every year for almost a decade, that this Legislature raided the Highway Fund.

"So what did that mean to people in areas like Ewa Beach where traffic was at its worst? It means that we didn't help the people. Just like the people of Ewa Beach were abandoned last Friday during the power outage. We even back then, this Legislature knew that we were going to have a major traffic crisis in 1993 after all the homes that were approved there. But they didn't give us the roads that we needed back then. Even though we had the money, we had lots of money. For over a decade we raided

over \$144 million from the same Fund that we're trying to fund today in many different bills by fee increases and tax increases.

"Back then, that meant a lot more than \$144 million. Because during this time, this decade of the raid, we had this amazing matching fund program with the federal government. We had 1 to 4 matching funds from the federal government. Which means that technically this Legislature really raided over a half a billion dollars from the Highway Fund because of the money that was in there.

"Mr. Speaker, this particular bill is how we will be helping the Department of Transportation according to this Legislature's feelings on this issue. The Department of Transportation says that it's short \$22.9 million this year. Wow. It really makes me think that if back then, if this Legislature, the same seats that we're sitting in now, if those people who voted every year for almost the decade to steal money from this Fund, we wouldn't have to be doing what we're doing today. This basically almost doubles the State registration fee for our motor vehicles.

"I have to tell you, there are a lot of people in my district in Ewa Beach that are really suffering right now. Because of the economy, they have lost their jobs. We have one of the highest mortgage foreclosures in the State, Mr. Speaker. Everything's going up. Gas is going up. And we have to travel some of the farthest distances just to get to town. And so to them, even a dollar is going to affect their families.

"Because right now, some families tell me, 'Okay. Well this month we decided we're going to pay our electric bill. Next month instead, we're going to pay the water bill. Next month instead, we're going to pay our car insurance.' And so that's how they're living right now.

"So this is number one of the many fee increases that will be imposed on people in the State of Hawaii, and this would especially hurt my community because they definitely rely on their cars to get to work, Mr. Speaker. And so it basically is just saying a commitment from us that we recognize what that Legislature did for a decade, that were sitting in our very seats, that we will be different. We will make a commitment to the people of Hawaii that we will never, ever, ever raid this Fund to pay for things in the general fund ever again. So that we will never affect your pocket books like we're doing today."

Representative Souki rose to speak in opposition to the proposed floor amendment, stating:

"Yes, thank you very much, Mr. Speaker. Members of the House, I wish to speak in opposition to the amendment. First of all I want to, in an ironic way, I want thank the author of the amendment in that he acknowledges that we need the funds. And as far as the request for the increase, we are in agreement with the author of the amendment and for that I wish to thank them.

"With regard to the Highway Fund, and a lot of that happened during my watch as the Speaker, I'm basically opposed to raiding the Highway Fund, but this was not done in a cavalier fashion. What we did before the raid was made, the Finance Chairman and Committee asked the DOT if there were sufficient funds for the transportation plan of highway improvement and repairs. Was it sufficient? And they acknowledged for every one of the projects, they said that this would be a surplus of funds. Based on those discussions with the then-Highway Deputy and the then-Transportation Chair we went along, and we agreed to the transferring of the funds from the Highway Fund to the general fund.

"Now for some historic reason it must be acknowledged by all the Members here, including my friends across the aisle, that we've had difficulty in balancing the budget from the days before I was the Speaker. I've always been of the opinion that we really can't support all the programs that we have. All the different departments. We've been running, trying to catch up all these years. Certainly during my years as Speaker of the House.

"And I would say because of that, because of the need to provide for health services, education services, social services, and all the needs that we have in the community, we were forced to balance the budget and to at

times look for funds other than the general fund. And in some respect, we must all take some credit for that, including the community. They've been opposed to raising the excise tax all these years so the Legislature, in the need to balance the budget, needed to look for funds. As the most recent poll by Omnitrack stated, yes they're opposed to the excise tax increase. However, they want the continuum of services that they have. There is a contradiction there.

"What we need in this Body, including the Minority, is leadership so that we can provide either the needed cuts to balance the budget, or to raise the revenue that is needed for the services that the people want. And the poll has indicated that they want to continue the services and the Legislature under the leadership of the Speaker is duty bound to provide for the needs of this community.

"So every raid that has been made then, and is being made now, has not been done in a cavalier fashion. I think the community must be aware of this. Again, Mr. Speaker, thank you very much."

Representative Cabanilla rose to speak in support of the proposed floor amendment with reservations, stating:

"Thank you, Mr. Speaker. I rise with very strong reservations. I just want to briefly rebut my neighboring colleague from Ewa Beach. I think what was not mentioned is that this Body has been very generous to our districts. Within the seven years that I've been here in this House, this Body, including the Senate, has appropriated funds for the widening of Fort Weaver Road, the completion of Kapolei Parkway, and the completion of North-South Road. It gave me great pleasure, Mr. Speaker, to give a tour of Kapolei Parkway and the North-South Road to our Whip. It's beautiful. And we owe that to this Body and I think that needs to be mentioned.

"And let's not forget. This Body also voted for the funding of the rail. Our district got a lion's share of the funding, Mr. Speaker, and I will never forget that. I want to thank all of you for doing that.

"My only reservation is that we are still looking at funding for the Leeward Bikeway. So let's not forget that. Thank you everybody, for your help."

Representative Pine rose to respond, stating:

"In rebuttal. This is where I disagree with my colleague from Ewa. This Body has not been generous to us. And the reason why I believe that is everyone's sitting here in your districts. When you had new homes, you got a road right away. Well most of you, or most of those people representing different communities, but we didn't. We didn't. That is not generosity. I am not fooled that that is not generosity. I could say other words that my community would like to say what happened to us.

"So it's like saying, all we want is to be treated equally. What we got was not generosity. We had equal treatment in terms of funding compared to what we deserved, but we got inequality when it came to finally spending those funds in a timely manner. The same way that it was done in Hawaii Kai and Kailua and many other places across the State.

"One of the reasons I'm here is to make sure that the people of Ewa Beach are never treated as substandard, and I will never say that this Body has been generous to us by saying, 'Oh you eventually treated us equally.'

"So, Mr. Speaker, back to the amendment. It is really just making the commitment in our hearts. As the former Speaker Emeritus said, Mr. Speaker, 'We saw this all coming.' I see this coming again. Not making this commitment, future Legislatures, they're going to see that same pot of money that was in there the decade where they raided it every year, and they're going to say, 'Oh we've got to go pay for this program now because it's kind of my hot button issue. I promised the people I would give it to them.'

"I actually agree with a lot of the things that the Speaker Emeritus said and I'm very excited and happy that we're having this conversation today because our credit card bill is coming up, Mr. Speaker, and we're getting to

the point where we can't make them the minimum monthly payment anymore. We as leaders, we as a family, we as a community, we need to start being honest to our friends, and our community. And those are the hardest conversations to have.

"We should continue these conversations and say what are the core functions of government? Let's go back to the old days. Maybe the Ariyoshi days. Maybe the Waihee days. I don't know. When we first became a State, what did we believe were our core functions? I see my time is up because I'm reading this little red thing here, Mr. Speaker. Thank you."

Representative Fontaine rose to speak in support of the proposed floor amendment, stating:

"Yes, Mr. Speaker. I stand in support of the amendment. You know, this amendment is that basically, the bottom line comes down to fiscal responsibility and accountability. That's why I introduced this amendment, and others today, in saying that if we are going to raise fees, and taxes, and other things, that we actually tell the constituents that that's what we're going to use it for. And that we're not going to say, 'Well, we may use it there so please, please try to swallow this pill,' as the Representative from Ewa Beach has explained about the fiscal hard times that many people are going through.

"I think that's what we need to look at. I think if we say we support this amendment, we're saying we're supporting using the money for what we're saying. If you vote against this amendment, then basically what you're saying is, 'Well, we may use it for that. But we may come up with something else that we need the money for, so we may take it and use it for that purpose,' and that's not what the people in the State of Hawaii elected us to do.

"They elected us to be honest and forthright in how we spend their money. It's not our money. It's their money. And if we're going to take their money and say we're going to use it to repair highways, then that's what we should be doing. We shouldn't be going and using it for other purposes. Thank you."

Representative McKelvey rose to speak in opposition to the proposed floor amendment, stating:

"Thank you very much, Mr. Speaker. In opposition. First to correct some inaccuracies that were stated on the Floor here. I've been here in this Chamber with all of you since 2006, and contrary to the memory of my colleague from the West Side, there has been no legislation to transfer the funds. Indeed the last time there was legislation to do this was in 2004 which was never effectuated. The last transfer from the Special Highway Fund, Mr. Speaker, to the general fund was in 2002 which to Representatives like myself, was a long, long time ago. BMT, Before My Time.

"But I will also say this, while it's well intentioned, I appreciate the Representative from South Maui in doing this because I support the underlying concept of the Special Highway Fund needing to be protected. But if you look at this last part of his Floor Amendment, subsection (c) says, 'except for 248-9.' If you look at 248-9, it gives the authority to reimburse the general fund from the Special Highway Fund for general obligation bonds. Not to mention the fact if you go to subsection (b) of the very same 248-9, it gives the Director of Transportation the authority to transfer funding from the Special Highway Fund as long as certain criteria are met.

"And as far as jeopardizing federal funding, one thing that was clear in the existing law when the transfers were made and contemplated is that it cannot include encumbered funds. That's important to note because that is the funding that the federal government matches through the State Transportation Improvement Plan.

"So the Director of Transportation, even if we were to pass this measure, this legislation is not binding on future Legislatures so any Body can come back in the future and throw this out the window. But the fact of the matter is even with this adopted, 248-9 allows for the transfer of Special Highway

Funds to the general fund both through subsection (b) and clause number 2.

"So I appreciate what the introducer is doing and I support the underlying concept. But the fact is while well intended, I think that it is first of all not binding on future legislatures, and number two, 248-9 which is included in the amendment basically allows for this transfer to take place if certain conditions are met. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, I rise in favor of the motion. First, I'd like to thank Speaker Emeritus for his wise and longitudinal view. He said that even before he was Speaker, we haven't made the budget balance. But then he said, and we may not put it together, but I'm going to put it together for you because we've grown government too much. And that's why we raid funds.

"Let's go back to the basic main motion and remind people that this is an 80% increase in the vehicle registration. The people are going to be paying 80% more so we can fix the roads.

"Now you may know my district is Hawaii Kai. It has the reputation of having first-world roads. I'm here to tell you that I'm getting a lot of flack that we're having a third-world road system in Hawaii Kai. In terms of sharing the pain and all the things that supposedly don't happen there, they are happening there.

"In fact it reminds of the adage that I learned while in Uganda as a UN worker. The question is, how do you tell if somebody's drunk when they're coming at you at night with their headlights going straight for you? The answer is, those are the drunks. Because if the people are sober, they're going and missing the potholes. That's the way people in this State are starting to drive. They're starting to drive to miss the potholes and they're going back and forth.

"I think this is not about equity. It's about doing what we say we're going to do. Making the commitment that we're going to fix the roads. No district is exempted from this. No Representative is exempt from being accountable for this. So if we put the money in, let's not take it out. And there are other bills that are going to come onto the Floor today where we're actually sucking, siphoning, and otherwise removing funds. So we're just simply saying that if we put the funds in, let's tell the people we're going to fix the roads with the money that we're otherwise increasing their taxes for. Thank you."

Representative Ichiyama rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in opposition. I'd just like to point out there's a technical flaw in the draft of this amendment. If we were to adopt it as is being proposed, it'll have serious consequences for the Director of Transportation. It will take away his discretion. Thank you."

The motion that Floor Amendment No. 3, amending H.B. No. 1101, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representatives Ichiyama, McKelvey and Souki voting no, and with Representative Cabanilla being excused.

(Main Motion)

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

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. This bill proposes to increase the motor vehicle registration fee from \$25 to \$45, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT) relies on the Highway Fund to implement its strategic plan for highway

improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the numerous potholes on the on-ramp to the H-1 by Mapunapuna. We use this on-ramp daily, often swerving from side to side to protect our cars, trucks and vans. The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. Thank you, Mr. Speaker."

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

"In opposition, and I would like all the things I said for my amendment to be applied to this measure," and the Chair "so ordered." (By reference only.)

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:

"Mr. Speaker, I rise in opposition of H.B. 1101, which increases the State Motor Vehicle Registration Fee by \$20, raising it to \$45 annually, and deposits the money into State Highway Fund. Tax and fee increases slated for Hawaii will make the cost of living in Hawaii unbearable for our citizens and hurt our families, as well as employers' ability to exploit jobs at such crucial times. We simply cannot afford this or any other measure that would increase fees or taxes on our communities."

Representative Riviere 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.B. No. 1101, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Cullen, Fontaine, Har, Johanson, C. Lee, Pine, Thielen and Ward voting no, and with Representative Cabanilla being excused.

At 10:34 o'clock a.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1101, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 739) recommending that H.B. No. 1102, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1102, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Fontaine offered Floor Amendment No. 4, amending H.B. No. 1102, HD 2, as follows:

"SECTION 1. House Bill 1101 House Draft 2 is amended by adding a new section 1, to read as follows:

SECTION 1. Section 249-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All vehicles and motor vehicles in the State as defined in section 249-1, including antique motor vehicles, except as otherwise provided in sections ~~[249-3 to]~~ 249-4, 249-5.5, 249-6, and 249-6.5, in addition to all other fees and taxes levied by this chapter, shall be subject to an annual state vehicle weight tax. The tax shall be levied by the county director of finance at the rate of ~~[.75]~~ 1.75 cents a pound according to the net weight of each vehicle as the "net weight" is defined in section 249-1 up to and including four thousand pounds net weight; vehicles over four thousand pounds and up to and including seven thousand pounds net weight shall be taxed at the rate of ~~[1.00 cent]~~ 2 cents a pound; vehicles over seven thousand pounds and up to and including ten thousand pounds net weight shall be taxed at the rate of ~~[1.25]~~ 2.25 cents a pound; vehicles over ten thousand pounds net weight shall be taxed at a flat rate of ~~[\$150.]~~ \$300."

(b) The tax shall become due and payable in each year together with all other taxes and fees levied by this chapter on a staggered basis as established by each county as authorized by section 286-51, the state vehicle weight tax shall likewise be staggered so that the state vehicle weight tax is collected together with the county fee. The state vehicle weight tax shall be deemed delinquent if not paid with the county registration fee. The tax shall be paid by the owner of each vehicle to the director of finance of the county in which the vehicle is registered and shall be collected by the director of finance of such county together with all other fees and taxes levied by this chapter from the owner of each vehicle and motor vehicle registered in the county.

By the fifteenth day of the month following the month in which taxes under this section are collected, the director of finance of each county shall transmit the taxes collected to the state director of finance for deposit into the state highway fund.

(c) The exemptions provided by sections 249-3 to 249-6 shall apply to this section. The provisions for refunds, and taxes for fraction of years for vehicles removed from or brought into the State and for junked vehicles, contained in sections 249-3 and 249-5 shall apply to the tax levied by this section.

(d) If it is shown to the satisfaction of the department of transportation of the State, based upon proper records and from such other evidence as the department of transportation may require, that any vehicle with a net vehicle weight of six thousand pounds or over is used for agricultural purposes the owner thereof may obtain a refund of all taxes thereon imposed by this section. The department of transportation shall prescribe rules to administer such refunds.

(e) The counties shall be reimbursed the incremental costs incurred in the collection and administration of taxes and fees imposed under section 249-31 and this section; the amount of reimbursement shall be determined by the director of transportation. "

(f) Except as provided in this section, and notwithstanding any other law to the contrary all taxes collected under §249-33 and deposited into the state highway fund shall only be used for the purposes in §248-9 and shall not be transferred to the General Fund or any other fund except for the purposes allowed in §248-9 (3)."

Representative Fontaine moved that Floor Amendment No. 4 be adopted, seconded by Representative Pine.

At 10:35 o'clock a.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:36 o'clock a.m.

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"Yes, Mr. Speaker. Thank you so much. I am standing in support of this amendment. And again we are raising another fee, another tax to raise money for the State Highway Fund. What this amendment does is it adds this subsection: Except as provided in this section and notwithstanding any other law to the contrary, all taxes collected under 249-33 and deposited into the State Highway Fund shall only be used for the purposes

in 248-9 and shall not be transferred to the general fund or any other fund except for the purposes allowed in 248-9.

"Mr. Speaker, I spoke two times too fast, and I could not rebut the Members who most likely have the same objections because it is the same paragraph that was inserted into the previous amendment.

"There is not a technical flaw, Mr. Speaker. The Director of the Department of Transportation still has within his perusal within the Highway Fund, to actually spend the money on highways. So if we're saying, just that comment, Mr. Speaker, concerns me. Because we're saying, 'No, no, no, no. Even though we are taxing people, increasing fees on them, because we are telling those people that we're raising this money to give you roads.' And we are saying, 'Wait, wait, wait. We don't want him to have the discretion to raid his own fund and to put it into the general fund.' That's not a technical flaw. That's an opinion.

"And my opinion is that we have done some horrible things to the people of Hawaii. And again, we're just making a commitment to them. As we know, you're down and you're hurting financially in these times. Well what this Legislature is asking my people to do is, 'I need a little more from you or else I'm not going to fix that pothole.' So if I'm going to ask my constituents, then I'm going to commit to them and look them in the eye and say, 'You know what I promise you? I will never raid this fund for purposes other than it was intended for. I make that commitment to you today.'

"That of course, is opinion. As a leader, as I feel it, I need to have that commitment to the people if I'm going to take any more from them.

"And I just want to explain what 248-9 means. The speaker from Maui who I just enjoy debating on this Floor so much. What that means is that allows the Director of the Department of Transportation to transfer funds into the general fund, so he can get general obligation bonds to fund highway projects. I support that, and that's why this is in here, Mr. Speaker. Because that's the only way he can get the general obligation funds, then I support that.

"And again, Mr. Speaker, this is just a statement of commitment at the beginning of this legislative session today. Because we are raiding a lot of funds to put money in the general fund today. We're raiding a lot of taxes, hurting people by raising taxes in these economic times, because we are telling them that we need them for roads. We need them for electricity. We need them for the homeless. We need them for education.

"So this is our first commitment as a Minority Caucus, Mr. Speaker. To say if we take any more from you today, you have our word and commitment, Mr. Speaker, that we are going to stand by you and that we know that you sacrificed tremendously to give us this money today, Mr. Speaker. So we are going to make that extraordinary commitment.

"Not binding future legislators, but making a statement on this day and this time, Mr. Speaker, that we will change government forever in this State. That we will actually use the money that we're taking from people for the intended purpose that we committed it too. And that is why I introduced this same amendment for this particular bill, Mr. Speaker. Mahalo."

Representative McKelvey rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition. And again, my opposition is not on the underlying principle of keeping the Special Highway Fund intact. Rather it's that while well-intentioned, I believe that the Floor Amendment misses the mark. It seems to me that the whole point of this is to make an undeniable pact with the citizens of Hawaii that yes, all of the money in there, if we pass this, will go in a Special Highway Fund and will go to projects.

"However, by having 248-9, and while the good Representative from Ewa Beach did touch upon subsection 3, you need to look at subsection 4(b), which does give the Director of Transportation that discretion to make that transfer of funds at any time.

"So what if the Department of Transportation and the State encounters a very serious situation, makes that determination and transfer under 248-9, 4(b)? That is a transfer from the Special Highway Fund into something else. So how could, with that exception being in there, this be a pact to the people of Hawaii saying if all the money going in there, if we adopt this, that this will definitely never be a transfer from the Special Highway Fund, because there still could be.

"And my point being, Mr. Speaker, and again there's nothing that is passed today that will tell future Legislatures either two years from now, four, or six that this will definitely be the case, because they can undo it.

"I applaud the Representative from South Maui for bringing this issue forward. I stand with him in trying to make sure this Special Highway Fund goes to what it's intended for. But I think that as far as this being a binding line in the sand that if we pass this, then there will be no transfers, is not 100% accurate. And I think that's important to continue to note, and that's why I stand in opposition.

"It's not because of the intent behind it. It's a very well-intended proposal. I think form and function has interfered with the overall thing, and that the end result will not be what is being discussed on this Floor. It will not be ironclad in law that will prohibit transfers from the Special Highway Fund, because that ability will still exist under 248-9, 4(b). Not to mention of course 248-9, 3. Thank you very much, Mr. Speaker."

Representative Fontaine rose to speak in support of the proposed floor amendment, stating:

"Yes, Mr. Speaker. I stand in support of the measure and I would like to have the words from the Representative from Ewa Beach entered as my own, for the sake of time," and the Chair "so ordered." (By reference only.)

Representative Pine rose to respond, stating:

"Yes, just additional comments in support of the amendment, Mr. Speaker. I just want to explain what this particular bill does. The underlying bill. Just so that we can see the context as we continue to increase taxes and fees on people.

"So in addition to what you're paying for your car today, it could range from three, four, five hundred dollars, six hundred dollars depending on what kind of car you have. This will, for those cars that are below or under 10,000 pounds, it'll increase your car registration fee by a hundred dollars. If it's over 10,000 pounds, then it will increase your fees by three hundred dollars.

"And I just would like to say that, I guess I just agree to disagree with the Representative from Maui and how we're reading the legislation, Mr. Speaker. I personally see no problem in transferring funds to the general fund if it is intended to help to build roads, because that is the same concept and commitment that I am trying to make with us today. And so it is for those reasons, Mr. Speaker, and on behalf of my community that are already paying a lot today on gas, I vote in support of this amendment, Mr. Speaker."

Representative Ichiyama rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I'm in opposition. It's the same technical error in this amendment as well. If I could have my comments from the previous Floor amendment inserted here as well. Thank you," and the Chair "so ordered." (By reference only.)

Representative McKelvey rose to respond, stating:

"Thank you, Mr. Speaker. Just a quick rebuttal. While that does address 248-9, Section 3, that still does not address 248-9, 4(b) which gives the Department of Transportation Director the discretion to make the transfer to the general fund if certain criteria are taken into consideration. Thank you, very much."

The motion that Floor Amendment No. 4, amending H.B. No. 1102, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representatives Ichiyama and McKelvey voting no.

(Main Motion)

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

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

"Thank you, Mr. Speaker. In opposition. I think everyone thus far has eloquently pointed out the needs for improving our roadways and our highways, and I definitely agree with that as well. I think the one point that probably has not been fleshed out in a lot of our discussion thus far is just how this bill potentially, adversely impacts or exacerbates our already high cost of living. I just don't know if my constituents, because it's such a broadbased tax, can afford to shoulder that increase burden especially in these times.

"So while I don't necessarily disagree with the underlying premise of the bill to fund the Highway Fund, I guess this particular mechanism to do so, I just think is going to hurt most of the people in my district and is going to impact all of our constituents. And it is for those reasons that I'd like to oppose this measure, as well as insert additional written comments. Thank you."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition. I think my colleagues thus far have pointed out the need for improving our road ways and highways and I definitely agree with that. I think one point that has not been fleshed out in our discussion thus far is how this bill potentially exacerbates our already high cost of living. I do not know that my constituents can afford to shoulder this increased burden in these times, especially because of the broad-based nature of this tax.

"So while I don't disagree with the underlying premise of this bill to fund the State highway fund, I think this particular mechanism is going to hurt most of the people in my district and impact many of our constituents. It is for this reason that I oppose this measure."

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

"Thank you, Mr. Speaker. I rise in opposition to the main motion. Mr. Speaker, just as a reminder, this adds \$100 to the registration fee. And the bill before added \$20 to the weight tax. Or is it *vice versa*? One way or the other, we're adding \$120 at least to everybody who's driving. We've got about a million cars and this is just what the State's going to do in terms of fees. Add what the City and County is going to do, and add what the Middle East is going to do in terms of gas prices.

"People are not going to be very happy with this bill, Mr. Speaker. They're not going to be happy because of the cost of living increases and quite frankly, because as the Speaker Emeritus said, we don't have a very good track record as money managers. We always run short. We always tax. And we always spend. This is an attempt to tax again those people who drive, and everybody drives.

"This is very, very essential and quite frankly, Mr. Speaker, this is only one of 26 taxes and fees which we will put forward on this Floor today. One of 26 taxes and fees valued at \$500 million out of the pockets of the people of the State of Hawaii. That's the bigger picture. And I know I'm getting off the bill, but this \$120, \$140 bucks that we're going to put on the cars, let's look at the big picture at what we're doing to the people of Hawaii which already has the highest cost of living in the United States of America. I think that's worth contemplating what we are doing today, and what this First Crossover really means. Thank you."

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

"Thank you, Mr. Speaker. In opposition and I ask that the words from the Representative from Salt Lake be entered as my own, as well as the Minority Leader. Thank you, Mr. Speaker. I just did want to echo again the fact that so many people have been laid off and are looking for new jobs. So many people are looking to do something about their mortgages.

"And so I think that in Hawaii, where we don't really have an alternative in terms of some neighborhoods. Some of us are very lucky we have TheBus. But if the place of employment is near enough, it's not really that much of a problem. Perhaps some of the people in my district might not have that problem. But I'm thinking about everybody in this State. And if they're laid off, and it means I've got to go get a job that is very far away and I have kids, and I have two, three jobs, I just don't know how they're going to do it if the price of everything connected to the car, our mode of transportation, gas prices, etc. as was mentioned by the Minority Leader, how's that going to impact people who are trying to make a new start.

"So that's why I have to say that I have to be in opposition. Although I agree with the Representative from Aiea. I understand the intention of the bill. Thank you."

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

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. This bill proposes to slightly increase the motor vehicle weight tax, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT) relies on the Highway Fund to implement its strategic plan for highway improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the numerous potholes on the on-ramp to the H-1 by Mapunapuna. We use this on-ramp daily, often swerving from side to side to protect our cars, trucks and vans. The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. Thank you, Mr. Speaker."

Representative Belatti 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 Committee was adopted and H.B. No. 1102, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Belatti, Ching, Fontaine, Johanson, C. Lee, Marumoto, Pine, Thielen, Ward and Wooley voting no, and with Representative Nishimoto being excused.

At 10:51 o'clock a.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1102, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 742) recommending that H.B. No. 1097, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1097, HD 1, pass Third Reading, seconded by Representative Evans.

At this time, Representative Fontaine offered Floor Amendment No. 5, amending H.B. No. 1097, HD 1, as follows:

"SECTION 1. House Bill 1097 House Draft 1 is amended by adding a new section 2, to read as follows:

SECTION 2. Section 251-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is levied and shall be assessed and collected each month a rental motor vehicle surcharge tax of [~~\$2 a day, except that for the period of September 1, 1999, to August 31, 2011, the tax shall be~~] \$3 a day, or any portion of a day that a rental motor vehicle is rented or leased. The rental motor vehicle surcharge tax shall be levied upon the lessor; provided that the tax shall not be levied on the lessor if:

- (1) The lessor is renting the vehicle to replace a vehicle of the lessee that is being repaired; and
 - (2) A record of the repair order for the vehicle is retained either by the lessor for two years for verification purposes or by a motor vehicle repair dealer for two years as provided in section 437B-16."
- (b) There is levied and shall be assessed and collected each month a tour vehicle surcharge tax of:
- (1) \$65 for each tour vehicle used or partially used during the month that falls into the over twenty-five passenger seat category; and
 - (2) \$15 for each tour vehicle used or partially used during the month that falls into the eight to twenty-five passenger seat category.

The tour vehicle surcharge tax shall be levied upon the tour vehicle operator.

"(c) Except as provided in this section, and notwithstanding any other law to the contrary all taxes collected under §251-2 and deposited into the state highway fund shall only be used for the purposes in §248-9 and shall not be transferred to the General Fund or any other fund except for purposes allowed in 248-9 (3)."

Representative Fontaine moved that Floor Amendment No. 5 be adopted, seconded by Representative Pine.

At 10:52 o'clock a.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:53 o'clock a.m.

Representative Pine rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. This basically is extending the Rental Motor Vehicle Surcharge Tax, which is supposed to expire. It keeps it at \$3 a day. We had raised that quite some time ago. And so it adds this section, Mr. Speaker: except as provided in this section and not withstanding any other law to the contrary, all taxes collected under 252 and deposited into the State Highway Fund shall only be used for the purpose of 248-9 and shall not be transferred to the general fund or any other fund except for the purposes allowed in 248-9.

"Mr. Speaker, again since we are committing to keep this fee raised for the Motor Vehicle Surcharge Tax, I think we should make a commitment, Mr. Speaker. A commitment that we're actually going to use the money for what it's intended for.

"And just since I could not stand a third time on a previous debate, I do want to clarify that all these bills address transferring money to the general

fund, only for the particular purpose to use, to ensure, to help that Fund to do the actions that they must take, or the Fund Directors must take, to ensure that that Department is wholly for the purpose that it was intended for. Thank you."

Representative Fontaine rose to speak in support of the proposed floor amendment, stating:

"Yes, Mr. Speaker. I stand in support of this amendment. I will be brief. Again, it's about accountability, showing the people that we want to be accountable. I think it's worthwhile doing. If we have to tweak it, we'll tweak it, but we need to do something to show accountability to the people that we serve. Thank you."

Representative Ichiyama rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition, and I'd just like to note that this amendment also has the same technical flaw that we've seen in the past two floor amendments. If I could have my comments from those inserted here as well. Thank you," and the Chair "so ordered." (By reference only.)

Representative McKelvey rose to speak in opposition to the proposed floor amendment, stating:

"Thank you. In opposition, Mr. Speaker. And just for the sake of time which is fleeting, I'd just like my comments on the last measure entered into the record for this measure. And again, I just want to say that I do appreciate the Representative from South Maui bringing this forward because I believe that we are of like mind as far as trying to make sure that the money that goes in there is expended for the necessary projects. I just don't think this is the way we're going to get there. Thank you."

Representative Pine rose to respond, stating:

"My final comments on these amendments, Mr. Speaker. And then we can move on. Again, there's no technical flaw in this bill, Mr. Speaker. It is a statement. And if someone wants to say that there is a technical flaw in a statement of our commitment to the people of Hawaii, that our word is true, that we can look you in the eye and say, Mr. Speaker, 'We're going to tax you to raise funds for the Highway Fund and we're going to only ensure that these moneys, whether it's transferred into the general fund to only be used for that purpose,' Mr. Speaker. That's only what it's allowed to do when you transfer funds. For the purpose of helping this Fund and to expand our highways and use this money for the intended purpose.

"Mr. Speaker. I guess I just disagree with people's opinion on this Floor. I see no harm in making a commitment to the people of Hawaii, giving them my word, and then putting it in writing for the world to see."

Representative Chong rose to speak in opposition to the proposed floor amendment, stating:

"In opposition. As stated by the Representative from Lahaina, there's nothing preventing future Legislatures from changing it. But also in rebuttal to some of the comments made by the Representative from Ewa Beach on past raids. Just as a reminder to Members. The general fund revenues used to go into the Highway Fund. Thank you."

Representative Souki rose, stating:

"Yes, Mr. Speaker. I want to speak in favor of this measure. I think the Members should be aware of why. I'm sorry. Are we are speaking to the amendment?"

At 10:58 o'clock a.m. Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:58 o'clock a.m.

Representative Souki then stood in opposition to the proposed floor amendment, stating:

"Yes, Mr. Speaker. A Freudian slip maybe. And I wish to speak in opposition to the amendment. I just want to alert the Members that the purpose for this increase in the weight tax and the registration surcharge, all the revenue that we're going to be getting from these measures is to provide for approximately \$800 million in new highways, and repairs and maintenance for bridges and roads. All of that is badly needed and has been neglected in great part during these last eight years.

"Members should also be aware that even with the last Administration, they came out with the Highway Modernization Plan which in some ways was even more draconian than what we have now because that also included an increase in the gasoline tax. So that portion has been taken out, the increase in gasoline tax, in view of trying to be a little bit more moderate. But again, this will provide for \$800 million in highway and bridge improvements. Thank you, very much."

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

The motion that Floor Amendment No. 5, amending H.B. No. 1097, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representatives Chong, Ichiyama, M. Lee, McKelvey and Souki voting no, and with Representative Wooley being excused.

(Main Motion)

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

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

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

"Yes, Mr. Speaker. I stand in opposition. I think the intention of this was that we increase the surcharge tax on rental cars and that somehow or another, the tourists are paying for this. But in reality, this also affects businesses on our Neighbor Islands who must come to Honolulu to do business.

"And I have personally felt that even from last year when this went into effect, at how much my rental car cost went up to come over here to do business. And so when we look at this, this has a far-reaching effect of not only affecting visitors who come here, but also Neighbor Island businesses and families who travel to Oahu either for business, or for pleasure. We are asking them to pay this additional fee.

"So I think we have to be really cognizant of that. We did it for awhile. I say, let's let it sunset and go away, and take up the issue maybe next year when we can look at it again. Thank you."

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

"Mr. Speaker, I rise in opposition to the main motion. Mr. Speaker, this bill actually codifies our broken promise. In 1999 we said we're going to do surcharge, but it's only temporary. And now 12 years later, we've broken the promise. We know what broken promises are in Hawaii, about so many things from land use, to taxes, etc. How are we going to maintain our trust with the people of Hawaii? They have a trust in us. That's why they elect us. We're going to do the right thing. We're going to do what benefits the State and all the people.

"So this codifies what otherwise was a promise. It's only temporary. And some of the things that we're putting through today, again as I said earlier. There's 26 taxes and fees, some of which are temporary. So I hope those who keep a watch on what we're doing, and keep track of what we're

saying, are saying, 'Okay, you guys you said on the Floor, March 8, that this is only a temporary tax.' And I'm sure nobody remembers well who was on the Floor in 1999 when we said this was only a temporary surcharge. But the point is this is codifying a broken promise, and it should be taken as such. Thank you."

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

"Mr. Speaker, I rise in strong support. Just to speak up and put some truths into the discussion today. I think everyone knows that over the past several years the Highway Fund has been running short of money for necessary repairs and to maintain our roads in safe conditions. We all know that when our roads are not in safe condition, it creates a hazard for us. In fact the past Administration, the Lingle Administration was keenly aware of that and did embark upon a massive program to restore some repair schedules to our highways.

"The truth of the matter is, Mr. Speaker, that according to the Department of Transportation we need about \$150 million per year just to maintain our roads. These roads are essential for commerce, for transportation and for business. We spend an extraordinary amount of time in delays, traffic jams, and going around potholes because of the conditions of our roads. So this is very important to our economy.

"The measure is projected to result in a revenue gain to the Highway Fund of approximately \$11.2 million in the fiscal year 2012, and \$13.5 million in fiscal year 2013. Far short of the \$150 million we need. Just so that people know, this money will be used for our highways. Let me give you some examples. It will be used for maintaining and repairing the pavement and the shoulders of our roads, bridges, and other structures. Fencing and walls, drainage systems, traffic signs, guard rails, highway pavement markings, highway lighting systems, sidewalks, and wheelchair ramps. Landscaping, irrigation systems, cleaning the streets, and restoring State highways after slides, storms, damages, accidents, and other events.

"Mr. Speaker, I don't know about the other folks opposing this, but I was here in 1999 and I made no such promise. I only promised my constituents that I would be honest with them, speak truth to the facts. And I believe my constituents want me to support this measure to ensure that their highways are safe for their children and family, and affords their businesses to get to and from in a quick and safe manner. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support. I want to add one thing to the discussion that hasn't been brought up about the recent census data that came out. In the last ten years there are many districts in this State where many of our Representatives that are going to be pointing out to all of us the strong need for roads because the population has grown so much.

"So regarding some comments about doing the right thing, it's the right thing today given the new facts. The facts being there's a lot more people. The facts being that the cost of oil has risen so much that asphalt and what it takes to build roads has risen so much. It's eating into the funds that we have in the Highway Fund. It's not because of any raid or anything. It's the reality.

"The reality is we need more roads. The reality is it costs a whole lot more to build these roads. We have got to find a way to meet the demand. I'm even surprised at the growth in my district in West Hawaii. What is the number one issue for people in Waimea? It is roads. They want us to address roads.

"So we have to talk to our constituents and tell them the right thing to do is to work with us, because they're demanding it, but we need to find a way to pay for it. Thank you, Mr. Speaker."

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

"I'm sorry. I'm just need to clarify. Earlier I said I was with reservations. I meant to say in opposition for my vote. And just a couple of rebuttal

points. I want to thank the Finance Chair and the Majority Floor Leader for stating on this Floor what the intended purpose is. It is for us to fund the Highway Fund. I agree with them wholeheartedly. That is what this money in the Highway Fund is supposed to be spent on, Mr. Speaker.

"But I've got to tell you that if you're fooled more than one time, you kind of don't trust them anymore. That's how a lot of my constituents feel. It's like you're giving us these great stories. We want to help you. We want to get you back to your homes faster, and safely. You deserve this road. You deserve this improvement for your highways. But after what this Body just did in voting down a simple sentence saying, 'Hey we're going to use this money for what we're saying we're raising it for today.'

"It's so hard for me to go back to my constituents and say, 'You know, this is really what the money is going to be intended for,' because I can't have any guarantee. I have nothing in writing that anyone committed to. And so that's why I'm voting no today. Because I don't trust that this Legislature will actually use the money for the intended purpose and that's the Highway Fund."

Representative Ward rose to respond, stating:

"Mr. Speaker, a brief rebuttal. I think we've changed the lexicon of voting on the Floor here, and I seek a point of clarification from the Chair of the Finance Committee who was here in 1999. I was not here in 1999. But who said that he didn't make any promise. But I bet you he voted for the legislation.

"And if legislation votes are not promises to the people, then what are we doing in the roll call and all these other votes today. We're not making commitments by what we're putting our name, our reputation behind? What else do we have to go by? Votes are the recording codification of what we say we stand for and what we believe in."

The Chair addressed Representative Ward, stating:

"Representative Ward, could you confine your comments to the measure before us."

Representative Ward continued, stating:

"So the comment is if he thinks that voting for it and then breaking it is not a broken promise, we've changed the definition and the lexicon of what a vote means on the Floor of the House of Representatives, and the sense of what democracy is, and what our vote is as a republic voting for the people in our district. When we put our name and our vote to a piece of legislation, it should be what we intend to follow through with. Thank you."

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

"Mr. Speaker, in support. I don't quite follow the logic. We vote every year, or every other year, on a budget. It doesn't mean this is the last budget we're ever going to vote for. It does mean that you're going to vote for a budget, and if you vote for a bill that's temporary, well it doesn't mean another bill can't be brought up later and that you're going to have to vote on. So I just fail to see the logic of the 'promise not kept' argument. Thank you."

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

"Thank you, Mr. Speaker. I stand in support of the measure. I'm not a cheerleader here for, 'Yeah, we need more tax hikes. Yeah.' It's looking at the underlying issue. There's actually something going on on the Hill right now that was brought to my attention by our Maui County Director of Transportation that puts even more impetus on us to try and reinvigorate our Special Highway Fund, and that is called the end of earmarks and the beginning of competitive bidding.

"And what that means is every state's projects now are going to have to be bid on and reviewed by the federal government. And one of the criteria under discussion is the status of the Special Highway Fund.

"Now Mr. Speaker, yes, this does raise fees. And yes, this could end up being, as the good speaker from Hawaii Kai said, this could be \$100 more a year. But my question to him and to others is, if we don't repair these potholes, these broken sidewalks, and other things, how much damage to the car will it cost you at the end of that very same year.

"You don't need to go very far, Mr. Speaker. You can go right out there on the freeway. Right across the street here and see a big old pothole. You hit that thing going 50 mph and you're going to probably shred your tires. Go to Costco and get a new set of tires. You're already up \$300 if you have a coupon. Of course that's important to note, Mr. Speaker.

"But the main thing is, Mr. Speaker, if we're going to fix these things, if we're going to improve our roads, and if competitive bidding were to pass at the federal level, then we need to do these things now. It's not a choice that we make by, 'Yeah we want to do this because we just want to stick it to the taxpayers of Hawaii.' No. It's because we recognize that if we're going to build these roads, fix these roads, and be able to still secure federal funds, we have got to do our end to reinvigorate the Special Highway Fund.

"And for a matter of record, to my constituents, I campaigned on supporting the Highway Modernization Program as the good Speaker from Wailuku, the Transportation Chair talked about, which in his words, was a lot more onerous than the measure before us.

"Why did I support that? Because my constituents recognized that just wanting something doesn't make it happen. You need to 'feed the bulldog.' It's got to get paid for. But they recognize they would much rather have a road where they're not hitting potholes and shredding their tires. And their suspensions are being shot. And they're going into the Ace Auto building and paying \$500, \$600 minimum, or having to get a new car earlier because of the conditions of the road.

"Not to mention the effect bad roads have on mileage. Your mileage decreases greatly when you have bad, torn up roads. Not to mention that this is the only way to get intelligent traffic systems on all the islands, which will coordinate the lights, which will allow for better flow of traffic, which then decreases commuting time, and also increases gas efficiency.

"So that's why I stand in support. And just a tip to everybody out there. Next time you're stuck in traffic and you want to save gas, put your car in neutral. It works. Trust me. Thank you."

Representative Tokioka rose, stating:

"Thank you, Mr. Speaker. Just a point of clarification. Besides the Consent Calendar, is this the fifth bill that we're working on? I believe it is. So for the sake of brevity, can I call for the question, Mr. Speaker?"

At this time, Representative Tokioka called for the previous question.

Representative Pine 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 Committee was adopted and H.B. No. 1097, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Fontaine, Pine, Thielen and Ward voting no.

At 11:14 o'clock a.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 1097, HD 1

At 11:15 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:21 o'clock a.m., with the Speaker presiding.

LATE INTRODUCTIONS

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

Representative Ito introduced former Representative, Mr. Devon Nekoba, and former Representative and Senator, Mr. Avery Chumbley.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 1520, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1520, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I make the same request for Standing Committee Report Nos. 643 and 644? May I have a ruling on a potential conflict? Given my pending appointment to the PUC, may I be excused from voting on both these measures?"

The Chair responded, stating:

"So ordered. You are excused."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1520, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 1517, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1517, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. May I make the same request for Standing Committee Report 643 and 644? May I have a ruling on a potential conflict? Given my pending appointment to the PUC, may I be excused from voting on both these measures?"

The Chair responded, stating:

"So ordered. You are excused."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1517, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 1095, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

1095, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 1096, 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 H.B. No. 1096, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPE INSTRUCTION PERMITS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 1486, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1486, HD 1, pass Third Reading, seconded by Representative Evans.

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

Representative Carroll's written remarks are as follows:

"I am in strong support of HB 1486 HD1 as it requires small boat harbor vessel permittees to escort and accompany their passengers during their visit ashore by affiliated crewmember equipped to render emergency care. Furthermore, HB 1486 HD1 will address and remedy the unauthorized commercial use of Hulopoe Beach Park on Lanai by Maui tour boat operators.

"Time and time again we have received reports and complaints of private tour companies from Maui dropping numerous tourists unescorted and unattended to fend for themselves. Tour company's permits usually require these operators to stay with their customers until the end of their tour to ensure the health and wellbeing of their passengers. These commercial permits generate the necessary revenues to improve and maintain these public facilities to ensure their sustainability.

"Currently unsupervised tourists have presented issues such as overcrowding, over accumulated refuse, overuse of showers and toilet facilities, and have exacerbated the situation for those who live nearby and rely on the only public beach with shower, toilet and picnic table facilities. In addition, emergency situations are made unnecessarily complex and dangerous as many of these patrons are without identification or any type of communication with the private charter companies. House Bill 1486 HD 1 sets provisions for the use of quasi-public areas by patrons of tour companies and requires that such companies accompany their customers while they are ashore and conduct business in a satisfactory and mutually beneficial manner that will adhere to the best interests of all involved."

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, last year on this Floor I noted job killer number 1, number 2, number 3, number 16. I never had a business killer. This is business killer number 1, because if this bill passes, all the small businesses that drop off visitors, tourists, those who want to enjoy Lanai Island will have no capacity to do so.

"And if I can be convinced otherwise, I would welcome anybody who says this is not going to kill the visitor industry or the small tour guys who bring and drop off people via boat on the Island of Lanai. Thank you, Mr. Speaker."

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

"Thank you very much, Mr. Speaker. In support. And to assuage the concerns of the previous speaker from Hawaii Kai, that is exactly what this will not do. What this bill does is seek to stop a loophole that has been exploited whereby carriers who are doing excursions for visitors are acting as unlicensed PUC carriers to the Island of Lanai.

"What this does is bring back what the Lanai residents originally wanted. I would like to actually submit the documentation to the Journal. They themselves asked that when people are coming to Lanai, that they be accompanied by the tour group to ensure that the facilities and other natural environment, the beauty of Lanai is protected and preserved.

"The only carrier that takes people and drops them off is a PUC license carrier. What's happened is other entities are basically doing the same thing under the guise of being a carrier, even though they're not. And they're conducting visitor operations which have greatly disturbed the people of Lanai.

"So what this does is to bring the situation into accord, and brings fairness to everybody. Most importantly, it ensures that the pact that the Lanai community and the County of Maui entered into years ago is still maintained today. Thank you very much, Mr. Speaker."

Representative McKelvey submitted the following documents:



October 2, 2008

Gerald Rabano, Chair
Hulopo'e Beach Park Council
c/o Castle & Cooke Resorts, LLC
P.O. Box 630310
Lana'i City, Hawaii 96763

Re: IC-2008-034: Informal Complaint filed on February 28, 2008

Dear Mr. Rabano:

This responds to the above-referenced Informal Complaint, IC-2008-034, filed by you on behalf of the Hulopo'e Beach Park Council ("Council") on February 28, 2008 ("Complaint"). The Complaint requests the State of Hawaii Public Utilities Commission ("Commission") to investigate certain companies engaging in the commercial activity of transporting passengers between the islands of Maui and Lana'i without a certificate of public convenience and necessity ("CPCN").

The Commission has conducted an investigation of the allegations in the Council's Complaint. Enclosed please find a memorandum prepared by Commission Staff that discusses the Commission's investigation of this matter.

As you may already be aware, under the Hawaii Water Carrier Act, Hawaii Revised Statutes ("HRS") Chapter 271G, water carriers operating between points within the State must apply for a CPCN and be regulated by the Commission. See HRS § 271G-10(a). HRS § 271G-6(5), however, exempts from regulation under Chapter 271G, "[p]ersons engaged in business of transporting persons for sightseeing and other recreational activities." Based on the observations discussed in the enclosed memorandum, the Commission concludes that the allegedly illegal boat operators are conducting recreational and sightseeing tours, and are therefore exempt from the Hawaii Water Carrier Act under HRS § 271G-6(5).

The Commission understands that the use of Hulopo'e Beach Park by visitors who are transported by commercial boats is a significant concern to the Council and many Lana'i residents. The Commission, however, is obliged to follow its laws, and absent a legislative amendment, those laws appear to presently exempt from the Commission's jurisdiction the commercial boaters who are the subject of the Complaint.

Hawaii District Office • 686 Kiholo Street, #106-A, Hilo, Hawaii 96720 • Telephone: (808) 974-4533, Facsimile: (808) 974-4534
Kauai District Office • 3200 Ewa Street, #302-C, P.O. Box 3078, Lihue, Hawaii 96761 • Telephone: (808) 274-3232, Facsimile: (808) 274-3233
Maui District Office • State Office Building #1, 54 South High Street, #218, Wailuku, Hawaii 96793 • Telephone: (808) 984-8182, Facsimile: (808) 984-8183

Gerald Rabano
October 2, 2008
Page 2

If the Council still believes that the boating activity is in violation of the Commission's rules and regulations, the Council may file a formal complaint pursuant to Hawaii Administrative Rules, Title 6, Chapter 61, Subchapter 67, which are available on the Commission's website at www.hawaii.gov/budget/puc.

If you have any questions, please contact me at 586-2139.

Sincerely,


Nicholas Ching
Investigator

NC:cp

Enclosure

MEMORANDUM

TO: File

FROM: Kaiulani Shinsato, Commission Counsel
Nicholas Ching, Investigator

DATE: September 15, 2008

RE: IC-2008-034: Informal Complaint filed by Hulopo'e Beach Park Council

I. INTRODUCTION

This memorandum discusses two site investigations that were conducted by State of Hawaii Public Utilities Commission ("Commission") staff in connection with the above-referenced Informal complaint filed by the Hulopo'e Beach Park Council ("Park Council") on February 28, 2008 ("Complaint").

II. BACKGROUND

In or around late November to early December of 2007, Commission Staff was informed by the Department of Land and Natural Resources ("DLNR"), Boating Division, that the following companies were picking up passengers from Maui and dropping them off at the Lana'i Small Boat Harbor:

1. Hone Heke Corporation dba Expeditions ("Hone Heke")
2. Trilogy Corporation ("Trilogy")
3. Alililani Yacht Charters, Inc. ("Alililani") (which sails on the "Paragon")
4. Seabird Charters, Inc. (which sails on the "Spirit of Lahaina"); and
5. Seabird Cruises, Inc. ("Seabird Cruises") (which sails on the "Maui Nui Explorer")

Between December 17, 2007 to December 24, 2007, Commission Staff sent inquiry letters to all companies above, with the exception of Hone Heke since Hone Heke is currently regulated by the Commission to operate a ferry service between Maui and Lana'i. Between January 3, 2008 to February 8, 2008, the four unregulated companies responded by letters filed with the Commission. Generally, the companies asserted that they offer excursion or adventure tours (e.g., for snorkeling, sightseeing, and whale watching), and are therefore exempt from Commission regulation under Hawaii Revised Statutes ("HRS") § 271G-6(5), which exempts from the Commission's Water Carrier Law, "[p]ersons engaged in business of transporting persons for sightseeing and other recreational activities." The boat operators also stated that they all have the required DLNR permits that allow them to operate in Lahaina Harbor and Manele Harbor. Several of the operators represented that they have been operating for over twenty-five years.

On February 28, 2008, the Park Council filed its Complaint, requesting the Commission to investigate boating companies that are allegedly illegally operating as a ferry service by transporting passengers between the islands of Maui and Lana'i without a certificate of public convenience and necessity ("CPCN"). The Complaint specifically named Seabird Cruises and Alihilani, among "others," as companies that were engaged in the allegedly illegal commercial boating activity.

Upon invitation by the Governor's Lana'i Community Advisory Council ("Advisory Council"), on behalf of the Commission, Bryan Kageyama and Kalulani Shinsato ("KKS") attended the Advisory Council's monthly meeting on Lana'i on March 26, 2008. Several representatives of Castle & Cooke, the Park Council, and the community attended the meeting. In addition, corporate officers of Hone Heke and Trilogy testified at the meeting. It did not appear that representatives of Alihilani, Seabird Charters, and Seabird Cruises attended the meeting. Commission Staff explained the Commission's jurisdiction over water carriers and answered numerous questions from attendees. Based on the testimony heard at the meeting, it became apparent that the allegations of illegal boating activity were not aimed at Hone Heke and Trilogy. Specifically, it was acknowledged at the meeting that Hone Heke was operating as a legitimate ferry service between Maui and Lana'i, and had already obtained a CPCN from the Commission. Moreover, regarding Trilogy, it was explained that Trilogy was the only legitimate tour service that lands on Lana'i. Trilogy's customers are escorted onto the island by licensed/trained guides, and it pays a fee for use of the Hulopo'e Beach Park facilities. Attendees at the meeting encouraged Commission Staff to conduct site investigations and take "tours" with the unregulated boating companies.

III. SITE INVESTIGATIONS

Investigator Nicholas Ching ("NC") was informed by Seabird Charters, Inc. that it no longer operates tours to Lana'i; and as set forth above, the Park Council and community members on Lana'i do not allege that Trilogy is operating illegally. Thus, it was decided that staff should conduct two site investigations of the two remaining operators – Alihilani and Seabird Cruises.

1. Alihilani/Paragon

The first investigation of Alihilani, which sails on the Paragon, was conducted undercover by NC on June 7, 2008. Paragon advertised this tour as a "Lana'i Snorkel, Beach Picnic & Performance Sail." This tour is described on Paragon's website as follows:

Paragon Sailing Charters proudly announces their newest snorkel sail destination, the exclusive island of Lana'i. Known as the pineapple island, Lana'i's hidden secrets include spinner dolphins off the white sand beach at Manele Bay. The underwater treasures are so unique that Lana'i has

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been rated one of the top 10 snorkel destinations in the world.

As a discriminating visitor to Lana'i, your adventure aboard *Paragon* begins at historic Lahaina Harbor with an 8:15am check-in. A deluxe continental breakfast is served as you enjoy the panoramic view of the islands of Maui, Molokai, Kahoolawe and Hawaii in the distance. The white sand and pristine water of Manele Bay is your mid-day Lana'i destination. When we arrive, you will discover one of the most beautiful beaches in Hawaii, Hulopo'e Beach. Enjoy your picnic lunch as you lounge on grass mats, or snorkel the underwater world of Hulopo'e Bay – one of Hawaii's most incredible snorkeling destinations. On the return sail, *Paragon* often stops just off Maui for our spectacular [sic] blue water swim. This refreshing swim break is a wonderful compliment to the many details Paragon offers on our Lana'i tour. Paragon Sailing Charters provides a first class experience for all.¹

The Paragon is a sailboat that is also equipped with a motor. En route to Lana'i, the Paragon went by motor, while on the return trip, the Paragon went by sail. As a part of the tour package, passengers were provided with a continental breakfast, a picnic lunch, snacks, non-alcoholic and alcoholic beverages, and snorkel gear.

NC boarded the Paragon at approximately 8:30 a.m. at Lahaina Harbor. While traveling to Lana'i, the boat encountered a pod of spinner dolphins. The boat slowed to follow the pod and allow passengers to take pictures of the dolphins. The boat's crew provided some educational explanations to passengers on sea life, including dolphins and turtles. The crew also provided a brief snorkeling lesson to passengers and handed out snorkeling equipment. The boat anchored for approximately one hour off the coast of Lana'i for passengers to snorkel. At this snorkel spot, passengers were able to view a variety of fish, as well as sea turtles.

The Paragon then traveled to Lana'i and docked in the Manele Small Boat Harbor at approximately 12:15 p.m. Passengers were allowed about an hour of free time on Lana'i; they were instructed to return to the boat by 1:10 p.m.² Passengers were escorted only to the top of the harbor area so that the beach could be pointed out down the road. The boat crew then returned to the boat, left the harbor, and most likely anchored somewhere outside of the harbor until shortly before the 1:10 p.m. pick-up time.

¹See <http://www.sailmaui.com/lanai.htm>.

²Upon earlier telephone inquiry by NC to Paragon, Paragon informed NC that they do not conduct one-way trips to Lana'i, and that Coast Guard regulations require them to return with all passengers they drop off on Lana'i.

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Passengers walked along the road to Hulopo'e Beach. While at the beach, passengers ate their picnic lunches, swam, and sunbathed.³ Passengers then walked back to the harbor to board the boat at 1:10 p.m. The boat crew took a head count to make sure all passengers were on board.

On the return trip, conditions were windier and the Paragon sailed back to Lahaina. Passengers were offered snacks and drinks, including alcoholic drinks. The crew intended to anchor off the coast of Maui so passengers could swim. However, because some passengers became seasick when the boat stopped, the crew decided to continue the sail. The Paragon docked in Lahaina at approximately 3:30 p.m.

2. Seabird Cruises/Maui Nui Explorer

KKS conducted an undercover investigation of Seabird Cruises, which sails on the Maui Nui Explorer, on July 10, 2008. The tour, called "Lana'i Landing," is described as follows:

This is an adventure for those who want to have a lot of fun. . . . The Explorer offers two snorkel sites, one off the boat along the coast of Lana'i and several hours on the beach at Manele Bay. Continental breakfast on the way over and a deli style picnic on the beach give this trip an added twist. Beachcombing, snorkeling or a peek at the Lodge at Manele are just a few of the options. . . . This is a very good outing for those looking for adventure.⁴

The Maui Nui Explorer is a 48-foot long motorized raft. As a part of the tour package, passengers were provided with a continental breakfast, a picnic lunch, snacks, non-alcoholic beverages, and snorkel gear.

KKS boarded the Maui Nui Explorer at approximately 9:00 a.m. at Lahaina Harbor. Prior to boarding, passengers stood in front of a buoy and had their pictures taken by a photographer. These pictures were available for purchase after the trip. The boat departed for Lana'i. Midway in the trip, the captain of the boat stopped the boat to point out the islands of Maui, Molokai, Kahoolawe, and Lana'i. He also explained some geological features of the islands and the ocean (i.e., the depth of the sea floor in that area).

It took about one hour for the boat to reach the coast of Lana'i. The boat anchored in a remote spot off of the island. Snorkeling instructions were provided to

³NC noted that passengers generally did not snorkel at the beach given the relatively short time they had to spend at the beach.

⁴See <http://www.activityserversmaui.com/lanai.php>.

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passengers and snorkeling gear was distributed. The crew explained the kinds of sea life that were prevalent in that area. They also gave basic instructions on water safety and signals to use to communicate in the water. Passengers were then allowed about one hour to snorkel. Various types of fish were seen, as well as numerous sea turtles. Many passengers took underwater pictures.

The boat then continued to travel towards Manele Harbor. During this part of the trip, the boat kept close to the coast, which provided a more scenic view of the island. Just prior to reaching the harbor, a large pod of spinner dolphins was spotted near the coast. The captain of the boat drove the boat right next to the pod so that passengers could get a close-up view of the dolphins. Many passengers took pictures and video. The crew provided educational background on the behavior of spinner dolphins, including the fact that they enjoy playing in the wake of boats. The boat captain made several faster trips along the coast so that passengers could see the dolphins playing in the wake of the boat.

After about 30 to 45 minutes of watching the dolphins, the boat continued towards Manele Harbor. The boat actually passed the harbor and first traveled to "Sweetheart Rock," a famous landmark on Lana'i, and then went to a cove area. The boat then turned around and traveled back towards the harbor. More dolphins were seen along the way. Outside of Manele Bay, the captain stopped the boat and gave instructions for passengers' use of Manele Beach. He pointed out that the left side of the beach closest to the Four Seasons Resort at Manele Bay was for use by hotel guests and that passengers should utilize the picnic tables and showers on the right side of the beach. He also encouraged passengers to throw away their trash and to be back at the boat promptly by 3:00 p.m. for the return trip to Maui. The boat then continued towards the harbor, docking at around 12:00 p.m.

The crew explained to passengers how to get to the beach from the harbor (an approximate 5-7 minute walk). Passengers were allowed off the boat unescorted with their picnic lunches and snorkel gear. The boat left the harbor.⁵

Passengers walked to Hulopo'e Beach. While at the beach, passengers ate their picnic lunches, swam, snorkeled, sunbathed, or hiked to a scenic lookout to view Sweetheart Rock (on the opposite side of the resort). Before 3:00 p.m., passengers returned to the harbor. The boat crew took a head count to make sure all passengers were on board.

The boat traveled non-stop back to Lahaina. Along the way, the captain allowed passengers to take turns steering the boat. The boat docked in Lahaina Harbor at approximately 3:40 p.m.

⁵During the return trip to Maui, some passengers asked the crew what they did while passengers visited the beach. The crew informed the passengers that they anchored the boat outside of the harbor and did some maintenance work on the boat.

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c: Carlito P. Caliboso, Chairman
John C. Cole, Commissioner
Leslie H. Kondo, Commissioner
Stacey Kawasaki Djou, Chief Legal Counsel
Brooke K. Kane, Administrative Director
Bryan G. Kageyama, Maui District Representative

control, management and operation of the Company.

K. "Resident" means any person who permanently resides on Lanai as his/her principal place of residence. This includes military and full-time students financially dependent on their parents. The Company will use such criteria as Post Offices boxes, driver's license address, voter registration, tax "home" etc. to verify the same. A resident includes new company employees (not seasonal), teachers, police and firemen from the first day of physically taking up residence on Lanai. It does not include non-resident property owners or individuals who are temporarily employed on Lanai by a non-resident employer, contractors, etc.

L. "Type I Activity" means any activity organized and conducted by the Company.

M. "Type II Activity" means any activity organized and sponsored by any person or nonprofit entity which does not charge an admission to attend the activity.

N. "Type III Activity" means an activity organized and sponsored by any nonprofit entity which charges admission to attend the activity.

O. "Type IV Activity" means any activity organized and sponsored by any person or entity for the purpose of carrying on a profit making enterprise.

P. "Nonprofit entity" means an entity which complies with Section 416-19 of the Hawaii Revised Statutes.

Q. "Traditional recreational use" means current and past uses of beach and park areas by Lanai residents, which shall include but are not limited to: camping, pole fishing and picnicking.

ARTICLE II. PROHIBITIONS

Any activity deemed illegal on public property by the laws of the State of Hawaii and the County of Maui, shall be prohibited in the beach park area.

General prohibitions applicable to (all) park areas and recreation facilities. Traditional use shall not include any of the following:

A. Within the limit of the park or within any

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recreational facility, it shall be unlawful for any person to:

1. Abandon any vehicle or other personal property or leave any vehicle or other personal property unattended for a period of excess of twenty four hours;

2. Throw or dispose of any refuse or any waste material except in a receptacle designated for such;

3. Permit any animal, except as hereinafter provided in Subsection D of this Section, to enter and remain within the confines of the park area;

4. Destroy, injure, deface or remove in any manner any structure, sign, equipment, monument or device;

5. Discharge firearms, air rifles or spring guns, all types of guns and rifles, bow and arrow.

B. Except as otherwise authorized by the company, it shall be unlawful for any person, within the limits of the park or recreational facility to:

1. Distribute, post or place any commercial handbill or circular, notice or other advertising material;

2. Repair cars or other vehicles;

3. Store, repair, or condition any boat, canoe, raft or other vessel;

4. Park or operate any vehicle on grassed and sand areas;

5. Use or operate loudspeakers;

6. Engage in archery;

7. Kindle, build, maintain or use any fire other than in a grill or hibachi and in designated areas.

C. The company will designate, by posting signs, areas where activities including but not limited to the following are not permitted;

1. Active recreational uses, such as football or baseball, which endanger or impair the use and enjoyment of the park by others;

2. Ride on roller skates, skate boards or bicycles.

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D. Regulation on animals.

1. The company may set aside areas for horse riding, animal shows, classes and trials

2. Dogs shall be permitted provided that they shall be on a leash with owners responsible for any clean-up of animal's waste.

E. Regulation on motor vehicles.

The company may, with just cause, prohibit or restrict the operation or parking of a motor vehicle, including motorcycles, sand buggies, etc., within the premises of the park or the premises of a recreational facility.

ARTICLE III. OPERATING POLICY

Hours

The park shall be open to the public every day of the year. Special events shall not close more than 1/2 of the entire park area, and no such event shall exceed two (2) consecutive days per year. Any closing of a designated area for special events shall require forty eight hours notice to Lanai residents. Notice can be the posting of the date and times of special events at the community bulletin board. The beach access road and parking lot will remain open for public use at all times. There will be no maintenance or custodial services provided on Christmas and New Year's Day.

ARTICLE IV. PERMITS AND FEES

Casual User

This permit procedure shall apply to a person or organization seeking the exclusive use of the park or recreational facility or a portion thereof and shall not apply to a casual user.

Commercial User

Commercial activity on the park is prohibited. Commercial activity means any act whereby a person receives any benefit or promise to receive a benefit by providing goods or services to another person. Commercial use, includes, but not by way of limitation, the provision of goods and services (including but not limited to food, beverage,

recreation and other beach oriented services) on Park property for a fee or other consideration and/or as part of a commercial enterprise, whether or not there is consideration exchanged on Park property or elsewhere. The company shall have discretion to authorize commercial use on the Park upon the issuance of a Type IV permit.

Separate Events

Except for camping, a request for separate days shall be considered separate events and will require separate permit applications.

Priority of Use

No more than one person or organization applies for the use of the park or recreational facility for the same time period and the mutual use of the applicants is incompatible, as determined by the Company, priority as to use will be given on the basis of the first written application received by the permit office except that the present your boat operators who have pre-existing agreements with the Company shall have continued commercial access.

Fees and Deposits

Fees

Fees may be charged for the exclusive use of the park or any portion thereof or recreational facilities by persons or organizations. Fees shall be charged in accordance with the fee schedule set forth herein and as may be adjusted from time to time by the Company.

Custodial Deposit

Custodial deposit may be required for exclusive use of the park or any portion thereof or recreational facilities. The deposit shall serve as security for the cleaning and repairing of the park or recreational facility premises. Custodial deposits are refundable upon determination by the Company that the cleaning and restoration of the facilities or park have been satisfactorily performed. Custodial deposits will be forfeited if restoration is not completed within the time provided on the permit. If the permit holder does not satisfactorily clean and restore the facility or park, the Company shall perform the necessary cleaning and restoration, deduct the cost of the

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PARK AREA RULES AND REGULATIONS

PREFACE

The following park area rules and regulations as incorporated with the Unilateral Agreement dated April 23, 1987 between Lanai Company, Inc., and the County of Maui, are not intended to ignore or supersede traditional, recreational uses. The Agreement and its rules and regulations recognizes and defers to any and all existing traditional recreational uses of Hulopee Beach Park and adjacent shoreline areas.

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ARTICLE I. GENERAL PROVISIONS

Definitions

For the purpose of these rules and regulations, certain phrases and words are defined as follows:

A. "Beach" means areas directly ocean side of park areas that are designated public property as defined by the State and are therefore under the jurisdiction of the State and not subject to the rules and regulations of the "Park Area Rules and Regulations".

B. "Camper" means any person who remains or intends to remain at the park or recreational facility in order to use the facility as overnight accommodations.

C. "Camping" means the use and occupation at the park or recreational facility whereby one or more persons remain or intend to remain at the park or recreational facility in order to use the park or facility as overnight accommodations.

D. "Casual User" means any person or organization utilizing the park area who would not be covered by any of the permitting activities listed in the Park Rules and Regulations and would not be subject to any registration requirements or fees.

E. "Company" means Lanai Company, Inc., its successor or assignee.

F. "Deposit" means a sum of money placed with the Company as security for the use and maintenance of park and recreational facilities.

G. "Fees" means monetary charges required by the Company pursuant to the provisions herein for the authorized use of parks and recreational facilities.

H. "Park" means the park, park roadway, (beach, beach right-of-way) and other recreational areas at Hulopee under the control, management and operation of the Company.

I. "Permit" means a written authorization signed by the Company or an authorized representative allowing the use of park and recreational facilities.

J. "Recreational facility" means any building or other physical structure, such as pavilions and picnic tables used for recreational purposes and under the

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cleaning and restoration from the deposit and recover by legal means available, any cost in excess of said deposit.

The Company may deny any future permits to permit holders for a period of one year upon failure on the part of the permit holder to:

1. Satisfactorily clean and restore any part of the park or any recreational facility; or
2. Pay any cost in excess of the above-mentioned cleaning deposit.

C. Key Deposit.

A key deposit may be required for the use of recreational facilities. Key deposits are refundable upon the return of the key. Key deposits will be forfeited in the event that the key is not returned within twenty-four hours after the termination of the activity.

Schedule of Fees and Deposits. (See Attached).

Permit Procedure.

A. Application.

Any person or organization seeking issuance of a permit for Type II, Type III or Type IV activities shall file a written application with the Company. The application shall include the following:

1. Name and address of the person or entity applying for the permit and the name and address of any responsible agent for the applicant;
2. Name and address of the person or organization sponsoring the activity;
3. The nature of the activity to be engaged in by the person or organization;
4. The day and hours for which the permit is requested;
5. The park or recreational facility or portion thereof for which the permit is requested;
6. An estimate of the anticipated attendance;

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ARTICLE V. CAMPING

This section pertains to those wishing a reserved space in designating camping areas and relates to non-residents applying for camping permits.

Camping Areas:

- (a) Camping shall be permitted subject to the following provisions:
- (b) Except as otherwise provided for, camping shall be designated for residents and non-residents at specified designated areas. The Company may permit organizations and/or groups and non-residents to camp for a period of no longer than three consecutive days. Residents may be authorized to camp for a consecutive period of no more than five days. Non-residents may be authorized to camp with residents, as a guest of resident, in the resident designated area, as long as the resident camps with the guests. The Company may curtail or prohibit camping or withdraw any permit issue if the company determines that camping is or would be detrimental to the public health, safety and welfare, or in violation of law. All designated camping areas shall be used by the permittee so that the camping area is clean of refuse, garbage and any unsanitary areas, campers are required to use restrooms and campfires shall not be utilized for drying laundry. The drying of laundry is permitted on the camp tent, on the mauka side of the tent, so long as the laundry not showing above the height of the tent. A company may establish additional rules and regulations to govern camping in permitted areas.

Permits:

- (a) Applicants for camping permits shall be 18 years of age or older;
- (b) Any person, organization desiring to camp shall first obtain a camping permit from the Company by applying for the same in person or in writing to the Company;
- (c) Permits shall be limited to a maximum of three consecutive days for each camping site (non-residents) and a maximum of five consecutive days (for residents)
- (d) Any person or organization shall have in its

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7. Certification of payment in full of all required fees and deposits;

8. Any other information which the company may require in making the determination as to whether the permit should be granted;

B. Responsibilities of the Applicant.

1. Obtain the necessary permits required by State and County agencies;
2. Secure the necessary utility services not provided by the Company;
3. Hire any personnel deemed necessary by the Company to accommodate the planned activity;
4. Perform any services deemed necessary by the Company to accommodate the planned activity;
5. Perform or cause to be performed daily custodial services while the permit is effective and a cleaning and restoration after the use of the park or recreational facility.

Revocation.

The Company may revoke a permit upon the violation of these rules or any County ordinance or State statute.

Limitations on Use of Permits.

- A. A use permit for Type II, Type III and Type IV activities at any park or recreational facility shall not be given to any person or organization for more than three consecutive days.
- B. The approval of the permits for Type IV activities shall be at the sole discretion of the Company with the objective of assuring that the park shall be primarily for the public's use and enjoyment of Type I, II and III activities by the residents, their guests, and guests of the hotel.
- C. It is understood that Types I-IV activities shall be in accordance with the permitting rules and regulations applicable to all parties and the exclusive use of any park increment shall be limited to no more than one half of that increment and its facilities.

possession a copy of the permit.

Fees:

- (a) Any person or organization applying for camping permit shall at the time of the application provide a non-refundable registration fee of \$5.00 per person and a fee of \$5.00 per person per day which may be adjusted by the Company to reflect the increased cost of administering and supporting the camping program.

Curfew:

Only persons camping pursuant to duly issued camping permits shall enter or remain in the designated camping areas within said park area between 12:00 midnight and 6:00 a.m. The curfew does not pertain to individuals wishing to pole fish overnight, those exercising traditional use of a park, or others as approved by the company.

ARTICLE VI. AMENDMENTS

These regulations may be amended, revised and altered by the Company or by action of the Park Council through the Company to assure that the public use and enjoyment of the park shall be maximized for the greatest number of users and to minimize the cost of maintenance to provide maximum utilization provided the rules and regulations are amended in a reasonable, nondiscriminatory and nonarbitrary manner. Any proposed amendments shall require a public meeting on Lana'i by the Park Council before formal application is made by the Company to the Parks Department of the County of Maui to amend these rules and regulations.

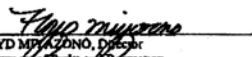
ARTICLE VII. PENALTIES

Any person violating these Park Area Rules and Regulations shall upon conviction, be subject to a fine of up to \$500.00

APPROVED AS TO FORM AND LEGALITY:


EDWARD KUSHI, Deputy Corporation Counsel

APPROVED AND ADOPTED:


FLOYD M. PIAZONO, Director
Department of Parks and Recreation

DATED: 6/16/11

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

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

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

"Thank you, Mr. Speaker. I am in strong support of this measure. I also would like to adopt the words from the Representative from Lahaina as my own."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1486, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 691) recommending that H.B. No. 924, 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 Committees was adopted and H.B. No. 924, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

At 11:27 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1520, HD 2
H.B. No. 1517, HD 1
H.B. No. 1095, HD 2
H.B. No. 1096, HD 1

H.B. No. 1486, HD 1
H.B. No. 924, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 235, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 235, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in opposition of this measure. This is the measure in the Finance Committee that came out as elixir if you will, for all the ills of corporations. This is a new thing called the limited liability company, or the ingenuity company. It promises to have prominent social values, prominent environmental values, and fair labor standards.

"In the testimony it was suggested that this would even help the workers in Chile, help their environment, and the standards we set by this will be implemented. Mr. Speaker, I read this, discussed it with my colleagues and from the legal point of view. There's nothing in this bill that can do any of that. It cannot effectuate a better environment, better labor standards, etc.

"It should be commended for its ingenuity in that it is called an ingenuity corporation, but in effect, it's really ingenious, if we look at what it promises and is not able to deliver. So I'm not sure why this is here. I know it was on the Floor a number of times before as basically a labor bill to get corporations to be more labor sensitive. But where it's going now I'm not sure is the genuine thing in that it calls itself as an ingenuity corporation. Thank you, Mr. Speaker."

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

"Thank you. Yes, with reservations on Stand. Com. Rep. No. 693. I just wanted to point out that the Business Registration Division of the Department of Commerce and Consumer Affairs said that it would require more funds to develop software to handle this new type of limited liability corporation. So just to let us know that it might cost us some extra money. Thank you."

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

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

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

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

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

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

"Mr. Speaker, I rise in strong support. Let me first of all ask for permission to submit written comments at the close of my brief remarks.

"First of all, let's start off with the basic notion that under the federal Constitution, our founding document provides in Article I, Section 8, that Congress shall have the power to promote the progress of science and useful arts by securing for limited times to authors and inventors exclusive rights to their respective writings and discoveries. That is the fundamental law regarding ingenuity, technology, patents, copyrights, trademarks, etc. Things that are products of the mind and ingenuities of individuals.

"In the era of patents, Mr. Speaker, the purpose of having these protections is that they provide incentives for economic and efficient use of research and development. Again, the product of people. They encourage the disclosure of innovations to the public for the common good and for commerce.

"This bill will help create and retain jobs in Hawaii and the United States by requiring the ingenuity companies create jobs in Hawaii, and the United States. It will protect the rights of inventors and innovators. It will increase the value of their patents. And it will also support public policy in the laws that we pronounce to protect: our workers, our environment, our suppliers, and our communities.

"It will also mitigate the effects of the most recent decision, the eBay case by the United States Supreme Court in 2006 in the articulation and application of the four-part injunction test. It will promote fair labor standards, enhance environmental protection, and promote the development of Hawaii and the United States in the areas of science and useful arts.

"And let me give you a real example. Before me is a can of pineapple. It's stamped on it, 100% Hawaiian, USA. This is probably the last can of pineapple you might see for a while. It came off the Island of Maui before Maui Land & Pine shut down their canning operations. I think history will reflect that the entire global pineapple industry, both Dole and Del Monte had its roots in Hawaii.

"In fact, Mr. Speaker, it hits home, close to me and my own hometown, because it is where Mr. Dole, Mr. Clark and Mr. Eames began their pineapple enterprises. The first canned pineapple fruit were shipped from the community of Wahiawa to the US Continent.

"So let's go on with my example. Let's say for example, that today an inventor comes up with a new hybrid type of pineapple. This type of pineapple is sweeter, juicer, and resistant to disease. It also uses less water. The inventor of the pineapple gets a patent on it so that no one can sell or distribute this new hybrid without the permission of the inventor.

"The inventor gives a license to grow and sell the hybrid to a small pineapple company in Hawaii. Let's say Maui Land & Pine, or the folks on the North Shore of Oahu. Because of the license, those small companies are allowed to grow, sell, and make money off the hybrid Hawaiian pineapple. And again, Hawaii is the land of a thousand pines.

"But someone from a big company comes in and steals the hybrid pineapple. The big company starts to produce the new pineapple growing all of it overseas where it is cheaper. Where it does not have the environmental standards to worry about. The inventor goes to court to try to get an injunction to legally stop the big company from growing and selling the hybrid pineapple.

"The four part test that the inventor has to meet to get an injunction is as follows. Number one, that he has suffered irreparable injury. Number two, that the remedies available in law are inadequate to compensate for the injury. Number three, that considering the balance of hardships, a remedy and equity is warranted. And number four, that the public interest would not be disserved by a permanent injunction."

Representative M. Lee rose to yield her time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Representative Lee. Because the inventor has given a license to a small company in Hawaii, the court sees that the inventor is willing to give out licenses. The court rules that the big company has to pay the inventor money, but it can continue to keep producing the hybrid pineapple. No injunction.

"But if this patent was held by an ingenuity company, that could be a different story. When the inventor goes to court, the same four-part test applies with one major difference. Because the ingenuity company must create jobs in Hawaii, must uphold fair labor standards, and must enhance environmental protection, the damage to the hybrid pineapple patent is

irreparable because the company is required by law, Hawaii State law, based upon the designation that they must use their patent to fulfill those futures to become compliant with the law.

"Merely paying for damages or infringements is not enough. The big company isn't doing those three things so the patent is not being used properly, and it is being used illegally. The court therefore is more likely to rule that the big company can't keep using the patents as it has been, even with a monetary award, and maybe an injunction to stop their theft will come forward.

"Certainly there is no guarantee the court will force a big company to stop the patented hybrid pineapple. There is no way to guarantee a court outcome, but being part of a company designated as an ingenuity company reinforces that if this hybrid pineapple patent is going to be used, it has to be used in those ways. Creating and retaining good jobs in Hawaii, upholding fair labor standards, and doing so in conjunction with proper environmental standards.

"Why does this all matter, Mr. Speaker? It matters because as a natural resource-poor state, except our renewable energy, we must encourage and nurture our rich human talent and innovativeness. Hawaii already has per capita, more patent holders than any other state and some countries. We need to encourage intellectual property as an industry in Hawaii and establish laws and rules to become the capital for ingenuity protection and promotion, just as Delaware, a very small state has become the capital for the traditional corporate model.

"Last night I got a call from Mr. Ian Chan Hodges and he shared with me that he had spoken with Dr. Damadian, the inventor of the MRI. Dr. Damadian wrote a letter regarding this bill and I'd like to share a few important points.

"Dr. Damadian points out these facts. The US Patent system created in part by George Washington and Thomas Jefferson is designed so that people who invent new technologies, regardless of their access to capital, own them and therefore have the opportunity to profit from them. The US Patent system is absolutely vital to America's economic strength. Indeed it helped to create it.

"Abraham Lincoln declared that patent rights, "secure to the inventor for a limited time, exclusive use of his invention and thereby added the fuel of interest to the fire of genius and the discovery and production of new and useful things."

"He closes his letter as follows: 'By establishing the ingenuity company designation, the State of Hawaii will be addressing these concerns in a matter that benefits inventors, creates and retains good jobs, as well as support other public purposes.'

"Mr. Speaker, I believe we're on to something bigger than we can imagine or foresee. I humbly ask my colleagues to hold up any cynical doubt, but have some faith in Hawaii's people and their ingenuity. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support of House Bill No. 235, House Draft 2, relating to limited liability companies.

"This bill would allow a limited liability company to be designated as an "ingenuity company" and require an "ingenuity company" to use the right to exclude, conferred by a patent in which the company has an interest in this right to create job opportunities, uphold fair labor standards, and enhance environmental protections.

"The entire concept of a patent comes from Article One, Section 8(8) of the Constitution of the United States of America, which states:

"The Congress shall have power...To promote the Progress of Science and useful Arts, by securing for limited times to Authors and Inventors exclusive Right to their respective Writings and Discoveries."

"Our founding fathers recognized that it is through innovations and ingenuity that our country grows and moves forward towards further success. This understanding has always been a part of American history and culture. Patents are vital to protecting ingenuity because they encourage innovators to disclose their work for the common good, rather than keeping inventions only for their own use. Esteemed American author Mark Twain wrote, "I knew a country without a patent office and good patent laws was just a crab, and couldn't travel any way but sideways or backways." That same sentiment holds true today—our country moves forward through protecting and promoting ingenuity.

"What this House Bill No. 235, House Draft 2 does is to take that inherent belief in American ingenuity and offer it further protection in the form of law. Patents are difficult to defend in part because of the four-part test that they must pass after being infringed upon, set up in eBay Inc. v. MercExchange, L.L.C. 547 U.S. 388 (2006):

1. That the patent has suffered an irreparable injury;
2. That remedies at law are inadequate to compensate for that injury;
3. That considering the balance of hardships . . . A remedy in equity is warranted; and
4. That the public interest would not be dissected by a permanent injunction.

"I discussed in my spoken Floor remarks about this first part of the test, and how an ingenuity company would make it easier for the patent holder to prove an irreparable injury, using the example of a hybrid pineapple patent. However, this bill would enhance the ability of patent-holders to prove each part of the test, and so, I would like to briefly explain how this House Bill No. 235, House Draft 2 would assist inventors in meeting the other parts of the four-part test.

"The second requirement of the four-part test is that "remedies at law" are inadequate in terms of compensation. Using my example of the hybrid pineapple patent, when the inventor goes to court, the court will see if "remedies at law"--which refers most often to monetary damages--are adequate compensation. Without the protections afforded by an ingenuity company designation--the requirements that patents held by an ingenuity company must be used to create good jobs, to uphold fair labor standards, and to enhance environmental protection--many courts might find that monetary damages are adequate remedies at law for the damage done to the pineapple patent. The inventor could walk away with a sum of money--perhaps a large one--but without the right to stop this big company from using the pineapple patent.

"However, if the patent is held by an ingenuity company, the pineapple patent must be used in these three ways. Therefore, money alone cannot be considered adequate compensation for the violation of the patent because the pineapple patent is not being used as they legally must be used. The court is more likely to find that the ingenuity company's patent cannot continue to be used by the big company.

"The third requirement of the four-part test is that "considering the balance of hardships . . . a remedy in equity is warranted." In this example, the "balance of hardships" refers to looking at the damage done to the inventor and holder of the hybrid pineapple by the theft of the patent and looking at the damage that could be done to the big company that stole the patent if they are forced to stop using the patent. The big company claims, of course, that their hardship would be greater because they have a larger amount of assets hanging in the balance.

"However, if the pineapple patent is held by an ingenuity company, then the balance of hardships can be tipped in the inventor's favor. The pineapple patent is required by law to be used in three ways (creating good jobs, upholding fair labor standards, and enhancing environmental protection), so if the big company is not using the patent in those ways, then the hardship done to the ingenuity company is enhanced. If the ingenuity company is forced to give a license to the big company who is shipping all the jobs relating to the pineapple patent overseas where it can use forced labor and not pay attention to environmental protections, the

ingenuity company will be in violation of the law, making their hardships much greater than they would be without the protections that the designation affords.

"The fourth and final part of the four-part test is that 'the public interest would not be disserved' by the court granting the inventor a permanent injunction and forcing the big company to stop using the pineapple patent. Under current conditions, because the big company has a larger customer base, so more people have access to the hybrid pineapple, the public interest could face a greater disservice by an injunction which would prevent some people from having access to the hybrid pineapple.

"However, if the pineapple patent is held by an ingenuity company, then the injunction would serve the public interest in three specific ways: helping to create and retain good jobs in Hawaii and the United States, helping to uphold fair labor standards, and helping to enhance environmental protections. Without the injunction, these three public interests would be disserved.

"This bill seeks to provide greater protections to patent holders by creating the designation of 'ingenuity companies' and requiring companies with this designation to fulfill three public interests: to create and uphold good jobs in Hawaii and the U.S., to uphold fair labor standards, and to enhance environmental protection. We must seek to make these three interest priorities. We need jobs in Hawaii and the U.S., especially after the recession which damaged our economy. We need to uphold fair labor standards, ensuring that our American ingenuity is being used to help and not to harm others. We need to enhance environmental protection, especially in the face of climate change.

"The ingenuity company designation is a designation of companies that could change the way that patents are protected and the way American ingenuity is used throughout the world. We have a chance to be on the cutting edge of the protection and promotion of innovation, and I ask your indulgence to explore this opportunity.

"Thank you, Mr. Speaker, for this opportunity to insert written comments."

Representative Ward rose to respond, stating:

"Mr. Speaker, a brief rebuttal. Cynical doubt. I'm not sure. Even though I appreciate the live example using the Maui Pineapple. I think that it shows that it's been thought out rather than on its face value, not such thought out.

"Number one, intellectual property rights are international law. Everything that is packaged within a copyright, patent, etc. If you want to have riders on that, there's nothing in law now that says you can't do that. Like if you're going to use this, you can't do it in a certain way. You've got to be conscientious of certain standards. There's nothing in law that agreements between contracting parties cannot make.

"Number two. I appreciate the value of a small local company because we want to promote small business. But generally speaking, it's the 'big fish' eating the 'small fish.' It's the small guy with the patent who gets bought out by the big boys. The Googles who buy up the small innovative, creative companies. And that's how the small guys make money and then themselves become big boys. So the reality is his example is in fact turning it on its head. It's not easily the other way. It's usually the other way around where the big guy is the one who's actually sucking all this stuff up.

"And thirdly, Mr. Speaker. This is a \$125,000 investment. I'm not sure that the people of Hawaii at this particular junction are willing to put \$125,000 on something that's still, I believe, still unclear.

"And lastly, it's where it says that this is irrevocable. How can a corporation which is by law an individual, be irrevocable? If it's owned by people, and as said earlier, people change. They change their minds. What is in effect going to happen with an irrevocable patent such as this? It's just something maybe slightly ahead of our time. I think it needs to be a little bit more tempered. But in terms of an ingenuity corporation, I'm still not sure that it's not ingenious."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 235, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Fontaine, Pine and Ward voting no, and with Representative Saiki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 694) recommending that H.B. No. 519, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 519, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Rep. No. 694, I stand in strong, strong support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 519, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 696) recommending that H.B. No. 902, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 902, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. I rise in support of this measure, Stand. Com. Rep. No. 696. Thank you. I wanted to commend the author of this bill, I believe he's the Representative from Mililani, as well as the colleagues who have worked to shape this bill. This is a very important bill. We've talked about it for quite a while in addressing our doctor shortage. We all know we're facing currently a shortage of 600 doctors in Hawaii. And we're going to hear later about some of the ways that we're attempting to deal with this shortage. But I've said many times over the years that the best way to deal with the shortage in doctors is to ensure that the doctors that we train at JABSOM work and live in Hawaii once they graduate.

"Now this may be difficult for some because we don't have residency programs in some unique fields so some of our graduates may have to go to the mainland for this further education and for their residency. But if the US Military can do this, and other disciplines can do this, we should be able to do this in medical school education, and that is to insist on people coming back to Hawaii. And if you come back to Hawaii and you practice in Hawaii, we will augment your loans. Help you repay your loans so that your amount that you have to pay to the banks or to the school will be minimized.

"I stand here today recommending that we move this forward and maybe look at ways that we can support this through the use of Tobacco Funds or any other funds because if we cannot ensure that our doctors come back after going through their residency program, then we're really not doing anything to address the shortfall. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 902, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 1069, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1069, HD 2, pass Third Reading, seconded by Representative Evans.

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

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

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.B. No. 1069, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 1001, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1001, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, may I have a ruling on a conflict? One of the settlements in this bill is for a client represented by members of my law firm. I'd like to be excused from voting on this bill," 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. 1001, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 708) recommending that H.B. No. 863, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 863, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes, with Representative Saiki being excused.

At 11:45 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:47 o'clock a.m.

At 11:48 o'clock a.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 235, HD 2
H.B. No. 519, HD 1
H.B. No. 902, HD 2
H.B. No. 1069, HD 2
H.B. No. 1001, HD 2
H.B. No. 863

At 11:48 o'clock a.m. Representative Marumoto requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:49 o'clock a.m.

LATE INTRODUCTIONS

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

Representative M. Oshiro, on behalf of Representative Riviere and himself, introduced teacher, Ms. Beth Araki and the students of Hale Kula Elementary.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 1330, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1330, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker. A potential conflict ruling, please? My grandson is at the John A. Burns School of Medicine," and the Chair ruled, "no conflict."

Representative Thielen then rose in support of the measure, stating:

"Thank you. I'm in support of the bill."

Representative Takai rose in opposition to 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:

"I rise in opposition to this measure.

"For the record, I am and have always been a strong supporter of the University of Hawaii and the John A Burns School of Medicine (JABSOM). What I am fundamentally opposed to is the raiding of the Hawaii Tobacco Prevention and Control Trust Fund (Tobacco Fund) to cover operational expenses.

With the passage of the bill to create the Tobacco Fund in 1999, this Body made the decision to save lives, save money and improve overall public health. The bill would have a positive impact on every resident of Hawaii, especially our children.

At the time, Hawaii was poised to become one of only five states to make a commitment to fund tobacco prevention programs beyond a minimal level, placing itself on the map as one of the National's leaders in terms of public health and education.

Representative Takai, House Journal 1999

"And yet, over a decade later, we are now hastily eroding that commitment by diverting more and more funding to an entity that should have had self-sustaining financial plans from the very beginning. What JABSOM is doing is, as they say, 'taking from Peter to give to Paul'. But the revenue into the Tobacco Fund is not being replenished at a proportionate rate.

"The Tobacco Fund was never designed to be used as an emergency and budget reserve fund. I would like to remind this Body of the words of Health Chair Alex Santiago back in 1999 regarding the creation of the Tobacco Fund:

Mr. Speaker, if all goes as planned, someday when we look back on all the issues and measures I have had the privilege of being involved with, this measure, I believe, will be one of those I will remember as being significant and very important with the resulting efforts to many

individuals. I want to thank you Mr. Speaker, for giving me this opportunity to manage and be involved with this measure.

Representative Santiago, House Journal 1999

"We have had over ten years and countless promises made by the University, the University Administration and JABSOM leadership. In recent discussions with the President, Chancellor and the Medical School personnel, I shared with them the following issues: if the concern is the lack of adequate doctors in Hawaii, there should be a requirement to stay or at least strongly encourage by incentives or disincentives; if the concern is the lack of residency programs in Hawaii, we should focus on creating residency programs centered around family practice, general medicine or respiratory and pulmonology; at the onset, there were promises made to incorporate an office of smoking and health into the new medical school; and finally, acknowledgements to the people of Hawaii and the Tobacco Fund for their generous support for the construction and operations of the medical school did not occur until just before groundbreaking at my request. Currently there is no such office of smoking and health at JABSOM. The concerns about the doctor shortage in Hawaii are recognized, but not a single penny of the funds they are raiding go towards addressing this.

"I would like to see the current measure to be amended to mandate that some of these \$4 million go specifically towards fulfilling their commitments and towards addressing the doctors' shortage in Hawaii. For too long, we have provided funding to JABSOM without writing our conditions or their promises as part of the law.

"The public expects the Legislature to be accountable for the taxes we collect and the services we provide. We should do no less to those that receive our approval and funding as well. JABSOM will go a long way in providing the next generation of healers with the knowledge and support to serve the people of Hawaii. But we cannot send them forward on the basis of broken and empty promises. Thank you."

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

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

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

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

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

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

"Mr. Speaker. In strong support and written remarks, please."

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

"Mr. Speaker, I rise in support of House Bill No. 1330, House Draft 1, Relating to The Hawaii Tobacco Settlement Special Fund.

"This bill extends the sunset date for an appropriation of a portion of the Hawaii Tobacco Settlement Special Fund moneys for annual operating expenses of the John A. Burns School of Medicine (JABSOM) until June 30, 2015. This bill also adds annual reporting requirements for the University of Hawaii.

"I support the intent and purpose of the bill as it provides valuable funding for Hawaii's one and only medical school. The Hawaii Medical Association reported that the State of Hawaii is currently short 644 physicians; a shortage that will balloon to more than 1,200 physicians in the next ten years. These numbers demonstrate an immediate need to educate and train physicians to meet the health demands of our State.

"While the effects of this shortage are certainly felt here on Oahu, the impact of the shortage is much greater on the Neighbor Islands. Cognizant of this disparity, JABSOM provides treatment and training opportunities specific to the needs of neighbor island communities, with a particular focus on rural areas. Without the funding provided in this bill, JABSOM will have to cut back such training opportunities, thus reducing services to the Neighbor Islands and rural communities.

"To support this bill is to also support JABSOM's membership with the University of Hawaii Cancer Consortium, which supports the growth and expansion of cancer research and care in our State. As an essential partner of the Consortium, JABSOM faculty and students contribute and participate in medical research, community education, outreach efforts, and other programs in conjunction with University of Hawaii Cancer Center. The Cancer Center is one of only 65 nationally recognized cancer centers and remains an important hub of research and care for cancer and cancer-related illness, often the result of tobacco use.

"As your Finance Chair, I have heard dissenting opinions about spending moneys from the Tobacco Prevention & Control Special Fund on any programs not explicitly related to tobacco prevention and cessation. Voices in opposition have taken a strong stance against use of the Special Fund for JABSOM's operating expenses. Though I understand these concerns, I turn my attention back to JABSOM's critical contributions to the Cancer Center, Hawaii's current and looming shortage of physicians, and the fact that every single medical student receives training in tobacco cessation and dependence treatment. Without the Cancer Center, the researchers, and the physicians to treat patients, we face future fiscal implications resulting from the lack of resources needed to address Hawaii's public health issues.

"Lastly, I support this bill because 90% of JABSOM's student body are *kama'aina* who were born and raised right here in our islands. JABSOM reports that more than half of its graduates remain in Hawaii, especially those who enroll in Hawaii-based residency programs. Consequently, this measure ensures a sustainable source of physicians knowledgeable about Hawaii and prepared to provide effective medical care to our communities throughout their professional careers.

"Mr. Speaker, for these aforementioned reasons and with an eye on the future of Hawaii's public health, I support this measure."

Representative C. Lee rose and asked that the Clerk record a no vote 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.B. No. 1330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Belatti, C. Lee, Morita, Rhoads, Takai and Takumi voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 560, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 560, pass Third Reading, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In opposition. Yes, Mr. Speaker. What this bill does is it requires the Director of Finance to transfer funds from the Compliance Resolution Fund to fund all interest payments on general obligation bonds issued on the behalf of the Department of Commerce and Consumer Affairs, and to collect funds from the Compliance Resolution Fund to pay interest payments on the general obligation bonds.

"That sounds pretty reasonable, Mr. Speaker, but I've been looking over what happened in Committee and particularly the testimony. What this actually is, is it's kind of a money grab by the Legislature. This is to pay for the King Kamehameha building where the DCCA is located. And this

sounds very reasonable to say, 'Hey you should pay the interest on the building that you bought so we're going to take these funds out of the Compliance Resolution Fund which is very healthy and probably one of the most healthy funds in the State of Hawaii and right now,' Mr. Speaker. They are a self-funded department and doing much better than other departments.

"The only problem with making them pay for the King Kamehameha building and the interest is that they already paid for it. So we're technically doing a big money grab by having them pay for a building twice. And basically in 2002, we transferred \$26 million from the general fund to pay for that building. And then again in 2003 we transferred \$50 million from the Compliance Resolution Fund to pay for the building, and yet this bill is saying that we need to transfer funds to pay for the building.

"So, Mr. Speaker, I just have a lot of concerns about this. I just don't know if, well I know that in the private sector, you couldn't make a family pay for their home twice, so I have a lot of concerns for those reasons."

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

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

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

"Yes, I'd like vote with reservations. I understand the financial situation of the State, and we've got to do what we can to close the gap. But as the Representative from Ewa mentioned, it does seem unfair to keep taking money from people who have arguably already paid their bill."

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

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

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

Representative Chong's written remarks are as follows:

"Mr. Speaker, I stand in support. This bill helps the general fund and taxpayer get reimbursed for the GO bonds issued for the DCCA building. Thank you."

Representative Thielen 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. 560, entitled: "A BILL FOR AN ACT RELATING TO FINANCE," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 569, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 569, HD 1, pass Third Reading, seconded by Representative Evans.

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

"On Stand. Com. Rep. No. 712, I rise in opposition. Mr. Speaker, what this bill does is it changes a practice that was implemented in the Lingle Administration, which allowed for medical assistance recipients for the Medicaid programs to be automatically re-enrolled in their health benefits.

"This bill basically makes them now re-enroll every year. That's what we do so it seems like something that's not very unreasonable and could be seen as making good fiscal sense. We are making sure that those people that are enrolled truly qualify for the benefits that we're giving to them.

"In the Committee, AlohaCare and many other agencies had testified that this very action that we're taking today, the Legislature actually did many years ago. And what happened from that action was they found that for those beneficiaries with literacy or language issues, homeless, mental illness, and other barriers to accessing health care, they found that an annual re-enrollment requirement for this very population could be enough to cut them off from care resulting in expensive emergency hospital services ultimately paid by the State of Hawaii.

"And there are other bills that we'll be discussing, Mr. Speaker, that relate to homeless and the Partners In Care who is the umbrella organization for the homeless providers. They testified that when we don't take care of these types of services for the homeless, or those that are not doing very well financially, it actually costs the State up to ten times more to take care of them in other emergency services. So, Mr. Speaker, for this reason, I rise in opposition."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 569, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Fontaine, Marumoto, Pine and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 713) recommending that H.B. No. 684, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 684, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Yes, Mr. Speaker. I rise in strong support of this measure. It is the intent of this bill to provide minors with the rights to assert themselves in matters regarding their safety and well being. This bill recognizes that many youth needing emergency shelter are not able to obtain parental consent in a timely manner consistent with the needs of an emergency situation.

"By acknowledging the lack of options currently available to these youth, we are addressing the need for an alternative process to which parental consent is not required to obtain emergency services. By providing minors who run away or are homeless with access to services that will increase their safety, we are confronting a danger posed by forcing these children onto the streets.

"And finally, by allowing these minors to consent for admission to an emergency youth shelter, a licensed one, we are providing a solution to a problem of the utmost importance. I appreciate the opportunity to express my support for this measure and I ask my colleagues to show the same support for this effort to protect our youth. Thank you."

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

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of this measure.

"Mr. Speaker, we do not all live in a perfect world where children are raised in a safe and secure environment. This bill addresses the challenges that minors have in seeking help due to circumstances beyond their control. Although we would not like to believe this takes place, there are situations where parents or guardians are substance abusers, may be

incarcerated, or may be abusive. This measure allows a minor to seek shelter – emergency shelter.

"Mr. Speaker, I ask for support from Members through the passage of this bill to ensure that there are options for our vulnerable youth other than living a life of homelessness in abandoned homes, unsheltered and exposed to the elements. And let's not forget there are predators who will take advantage of our children with nowhere else to go. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 684, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 563, 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 H.B. No. 563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 1380, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1380, HD 3, pass Third Reading, seconded by Representative Evans.

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

Representative Tsuji's written remarks are as follows:

"HB 1380 is a unique way to encourage the use of local produce in Hawaii schools by: (1) Establishing a farm-to-school program in the DOA; and (2) Establishing the Hawaii-grown Fresh Fruit and Vegetable Program in the DOE.

"School gardens are increasing in popularity. The *Honolulu Star-Advertiser* ran an article on Dec. 1, 2010 featuring schools have planted gardens to raise students' awareness of fresh food and to teach them about good nutritional choices.

"Also The Grow Hawaii Challenge took place last November involving students and staff of several Oahu schools, who were joined by well-known local chefs, all in an effort to educate students about the importance of growing food locally and to spark ideas towards ways to support a sustainable lifestyle.

"Speaking more broadly, I believe HB 1380 sets a good foundation for other initiatives like The Grow Hawaii Challenge and encourages interest in agriculture in today's younger generations. For these reasons, I am in support."

Representative Ching rose in support of 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:

"Mr. Speaker, I rise in strong support of H.B. 1380. If passed, this bill will increase access to local, healthy and fresh foods and enhance education on nutrition and agriculture, which will facilitate healthy eating habits amongst our *keiki*. Moreover, the Hawaii Grown Fresh Fruits and Vegetables program will serve as an important strategy for strengthening the Department of Education's position as an institutional market for locally grown produce.

"This bill is a sound investment in the future of our children's health, as well as Hawaii's food security. Potential benefits include lower risk for

obesity, diabetes and other related types of health disorders, keeping in line with the Vitality Project's basic tenets of promoting the health and well being of our communities. Equally as important, enhancing the procurement of locally grown fruits and vegetables by schools also helps to strengthen and diversify our local economy and create jobs."

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

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly support the concepts in HB No. 1380, H.D. 3 which will establish the Farm-to-School Program in the Department of Agriculture, the Hawaii-grown Fresh Fruit and Vegetable Program in the Department of Education; and the Farmers to Food Banks Pilot Program. If Hawaii is to move towards food self-sufficiency we need to move forward with programs that support buying local and which reconnect our community with the local sources of healthy, nutritious whole foods.

"The Farm-to-School Program will increase procurement of locally-grown fruits and vegetables. The Hawaii-grown Fresh Fruit and Vegetable Program will facilitate the consumption of locally-produced nutritious snacks to improve student health and expand the market for locally-grown produce and also will authorize schools to grow food in school gardens for consumption in schools. The Farmers to Food Banks Pilot Program will contract with local farmers to provide Hawaii-grown produce to low-income individuals through designated food banks.

"All these programs are very important and will encourage the use of locally grown fruits and vegetables in Hawaii schools. This measure will support local farmers and leverage an increase in food self-sufficiency within the State of Hawaii. Now if only the bureaucrats at the Department of Agriculture and the Department of Education would move out of their agency silos and work to make these programs successful rather than poking holes in these paradigm changes. Unless Hawaii changes and moves towards sustainability, we remain perpetually hostage to the food industrial complex on the mainland."

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

Representative Nakashima's written remarks are as follows:

"House Bill 1380 establishes the Farm-to-School Program in the Department of Agriculture to increase the procurement of locally-grown fruits and vegetables and creates the Hawaii-grown Fresh Fruit and Vegetable Program to increase the amount of Hawaii produce available to Hawaii school children.

"Farm to school (F2S) is a win-win for both local farmers, as well as Hawaii school children, especially when combined with a robust school garden, cooking, agriculture and nutrition education program. This is an attempt to allow State policy to overcome the State bureaucracy and allow for the purchase of Hawaii produce for Hawaii's kids."

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

"Thank you, Mr. Speaker. In strong support. And may I have the written comments of the Chair of Agriculture entered into the record as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative C. Lee rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1380, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 1248, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1248, HD 1, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker, in strong support with brief comments. This bill makes it easier for our farmers to get loans that are longer and less expensive. And, Mr. Speaker, we need to help our farmers as much as possible. From the time it was put in the Constitution, to the point where now we have farmers who are really in need of a lot of assistance because they're dying off. I commend the Chair of Agriculture, the Representative from Hilo who has really gone to bat for this bill and because of this and his plea for getting more money to the farmers. When the bill on the State Bank of Hawaii comes forward, perhaps we will not have to have so much emphasis on the government getting into business, but keeping bills like this doing well. Thank you."

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

"Mr. Speaker, in strong support of this measure. Indeed to the contrary, Mr. Speaker. This is one of the reasons why we might need a State Bank to provide support for farmers so they don't have to come to the Department of Ag for loans. Thank you."

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

Representative Nakashima's written remarks are as follows:

"I am pleased to be the sponsor of House Bill 1248 Relating to agricultural loans.

"The purpose of this bill is to enhance the new farmer loan program by reducing the interest rate, increasing the loan limit and reducing the number of credit denials required to qualify for the program. It also appropriates funds to directly target new farmers. The new farmer loan program is intended to encourage entrepreneurs to enter the production of agriculture on a full-time basis.

"Access to affordable capital is vital for start-up business and is especially difficult for new farm operators to obtain. Currently, the interest rate for the new farmer loan program is fixed at 6%. The proposal will set the interest rate at 1.5% below the prime rate with a cap of 6%. This will ensure that the interest rate for the new farmers will be below the interest rate for the qualified farmers.

"This bill will also increase the loan limit to \$250,000. This increases the limit of \$100,000 that has not been increased since the establishment of the program in 1972. This will allow loans to cover the increased capital requirements that modern farmers must face in today's economic climate.

"The bill also seeks to reduce the number of credit denials that a farmer must receive in order to qualify for the loan making the program more accessible to new farmers and help to encourage them to help Hawaii meet its food sustainability needs."

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

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

"Thank you, Mr. Speaker. In strong support. We need new farmers and new farmers need new loans. Further comments into the Journal, please."

Representative Tsuji's written remarks are as follows:

"This bill would provide affordable access to loans for new farmers through the New Farmer Program. It reduces the number of credit denials required to qualify for the Program. It also reduces the annual interest rate on Program loans. Lastly, it would raise the ceiling on Program loans by \$150,000.

"HB 1248 is another measure intended to help new farmers who are the future of Hawaii's agriculture industry. In that regard, I am in support of the measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Third Reading by a vote of 51 ayes.

At 12:02 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1330, HD 1
H.B. No. 560
H.B. No. 569, HD 1
H.B. No. 684, HD 2
H.B. No. 563, HD 1
H.B. No. 1380, HD 3
H.B. No. 1248, HD 1

LATE INTRODUCTIONS

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

Representative Marumoto introduced the Kindergarten and 1st grade students of Queen Liliuokalani Elementary School. They were accompanied by their teachers and staff, Ms. Amber Stanley, Ms. Samie Ketaima, Ms. Susan Mizokami, Ms. Katie Muller and Ms. Bonnie Lee, as well as parents, Ms. Lori Simao, Ms. Heather Jeppensen, Ms. Jennifer Gomes, Ms. Michelle Poasa, Ms. Sylvia Nishimura, Ms. Jan Bullock, Mr. Devon Peterson, Mr. Johnathan Sybert, Ms. Sandi Yamagata and Mr. Brandon Saigusa.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 865, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 865, HD 2, pass Third Reading, seconded by Representative Evans.

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

"Mr. Speaker. Stand. Com. Rep. No. 721, in strong support. Mr. Speaker, this bill provides additional funding for invasive species prevention and control by raising the inspection quarantine and eradication service fee from 50 cents, to 75 cents for every 1,000 pounds of freight that is imported.

"Looking back at 2008, the Legislature established and funded its Department of Agriculture Biosecurity Program by imposing an inspection fee on imported cargo. This brought in an estimated annual income of about \$3.1 million. And last year we faced an enormous budget deficit crisis. In the past the Ag inspectors were entirely funded by general funds, now 51 inspectors are funded through this special program. And with 12 more inspectors expected to go into the fund during the course of this year, some DOA officials really expect come next year, the fund will collapse if something doesn't happen.

"If we don't fill these critical positions, the invasive species will continue to get past our ports, come into our farms, into our communities. At the peak, ag inspectors used to intercept between 300 to 400 incoming pests per month. Now it's dwindled down to 30 to 40, a mere 10 percent of the original. New pest introductions have already devastated most recently, if we can recall, the basil farms. And the recent proliferation of coqui frogs on the Island of Oahu. And quite serious, the recent malaria mosquito scare in Moanalua.

"In light of Hawaii's fiscal crisis, I realize that this increase may be a difficult burden, but I would stress that if we are serious about sustainable practices, then this is an appropriate way to fund this critical function. Mr. Speaker, I ask for your support. Thank you."

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

"Mr. Speaker, I understand the need for funds for the agricultural community. But on the other hand, this is raising the cost of freight from 50 cents to \$1 per 1,000 pounds of freight. This really increases the cost of living on our food, and everything that we bring in to Hawaii, so I am voting no on this measure. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 865, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 723) recommending that H.B. No. 739, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 739, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ichiyama rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations. This bill would amend current care giving requirements to specify that in Community Care Foster Family Homes approved for a maximum of three clients, the primary caregiver must be a certified nurse aide and the substitute caregiver must be a nurse aide. Under current law, the substitute caregiver must also be a certified nurse aide. While I understand the financial constraints that many adult foster homes struggle with, I do not believe that the answer is to lower the standard of care we are giving our seniors.

"In Committee we received testimony in opposition from the Department of Human Services that primary caregivers sometimes have second jobs, leaving their patients with the secondary caregiver for 10 to 12 hours a day. A certified nurse aid must renew their certification every two years and receive required additional training. I understand that there may be financial and language barriers to taking the certification test for some of our local nurse aides. The appropriate response, however, is to make the test more accessible, not to lower the required level of proficiency for secondary caregivers. Thank you, Mr. Speaker."

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."

Representative Nakashima rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, I rise with reservations regarding HB 739 that seeks to relax training standards for community care foster family homes by allowing a substitute caregiver to just be a nurse aide without have to meet more rigorous standards and requirements of a certified nurse aide. I believe that relaxing these standards will expose those unable to fend for themselves to a lower standard of care and threaten the quality of life for those whom the State must provide protection."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Mizuno rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Thank you. First, I want to thank the Members who voice their concerns on this measure with a vote with reservations, or even a no vote. Certainly this Body does scrutinize measures before they pass on this Floor and I can appreciate that.

"Mr. Speaker, we have over 1,000 community care foster homes in the State of Hawaii. They provide 24-hour healthcare services to our aged and disabled. First, I'd like to address some of the concerns by our Members regarding nurse aides, compared to certified nurse aides. That's the issue in this bill.

"I wanted to share comments by Lourdes Marcelo. She's a registered nurse who trains certified nursing assistants, as well as nurse aides. I provide her comments and I'll quote her. She provides:

I have worked with many CNAs and NAs. I believe the primary difference between them are the required examinations at the initial certification and bi-annual recertification. They perform the same duties, have the same education requirements, and perform the same skills. A CNA is simply an NA who has successfully completed their examination.

"Mr. Speaker, I'd like to elaborate on Ms. Marcelo's comments. When you talk about education, an NA, a nursing aide, and a certified nursing assistant have the same education requirement. They both have to pass through this program. It has to be a State-approved nurse aide training course. Furthermore, for licensing, NAs and CNAs have the same licensing requirement. Both are required to be registered with the Department of Human Services. They contract with Community Ties of America. They do the registration and certification.

"There is a difference though when you talk about recertification and continuing education. There is a difference between NAs and CNAs. For our nurse aides, they only are required to have 16 hours of continuing education every two years. Our CNAs are required to have 24 hours of continuing education every two years, and they must be recertified. They go through a recertification examination. That is the difference.

"And finally I wanted to note the two layers of protection when we talk about consumer protection. First, we have Community Ties of America. They provide the overview to make sure that our foster homes, as well as our NAs and CNAs are following State and federal laws. They provide personnel and staffing review, background checks, physical environment reviews, fire safety, medication, and nutrition overview, quality assurance. I can go on and on. This is the first layer of protection to make sure that we're not having substandard care.

"Second, Mr. Speaker. This is the second layer of protection. Case managers. Every single foster home in the State has a case manager. Your case manager is in charge of every single nurse aide, or certified nursing assistant. I believe these two layers of protection are quite sufficient to ensure quality services and consumer protection.

"And finally, I did want to note that the Filipino Chamber of Commerce had a legislative breakfast before Session which many of our Members attended. This was their number one priority. Their top bill for the 2011 Legislative Session. Bryan Andaya had stated that 90% of our community care foster home operators are of Filipino descent. They're quite proud of the Filipino community and what they do. So again, for those reasons I support this measure. Thank you, Mr. Speaker."

Representative M. Lee rose 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 739 regarding community care foster family homes. The purpose of this bill is to amend the current Community Care Foster Family Home caregiver requirements to specify that in the CCFFH's approved for a maximum of three clients the primary caregiver must be a certified nurse aide and the substitute caregiver must be a nurse aide.

"Because the substitute caregiver assumes the responsibilities of the primary caregiver whenever the primary caregiver is absent from the home, the substitute caregiver must have the same qualifications as the primary caregiver in order to adequately care for the needs of the clients. For the health, safety and welfare of each client residing in the CCFFH, the substitute caregiver must be as knowledgeable and competent as the primary caregiver. However, the competency level and the ability to pass the certificate test are often not in sync because of language access issues.

"Testimony provided asserts that not only is the certificate exam quite expensive, but also only given in English. Consider that a large number of CNA's do not speak English as a first language; it would be wise for the Department to provide an alternative exam. Certificate for all CNA's should still be a desired goal. I urge the Members to support this bill."

Representative Pine rose in support of the measure and asked that the remarks of Representative Mizuno 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. 739, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Belatti, C. Lee, Luke and Morita voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 724) recommending that H.B. No. 798, 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 H.B. No. 798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Belatti and Takai voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 725) recommending that H.B. No. 803, 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 H.B. No. 803, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Fontaine, Johanson and Riviere voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 726) recommending that H.B. No. 879, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 879, HD 1, pass Third Reading, seconded by Representative Evans.

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker. May I have a ruling on a potential conflict? My family's currently the subject of a collateral third-party foreclosure and we're also within remodification," 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. 879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 727) recommending that H.B. No. 1043, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1043, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, this bill raids for the second time, the Hawaii Hurricane Relief Fund. We did this before to the tune of \$67 million, and now we're going to take \$42 million out of the Relief Fund. And essentially when it was filled to the brim, we could cover 165,000 houses at a value of about \$40 billion. Right now it's down to where if this bill goes through it'll be down to about \$70 million. \$70 million buys you about \$700 million worth of coverage.

"*Iniki* was \$1.6 billion and because we are perpetually and never moving out of the hurricane zone that we're in, the point is, if *Iniki* comes again, God willing it will never, but if it does, we are underfunding this and this bill jeopardizes public safety. It's not a question of if. It's when it is coming, and we should be prepared. Good public policy would say don't raid this Fund like we shouldn't have raided the Highway Fund, etc. etc., Mr. Speaker. Thank you."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you. In support. I just wanted to note that I believe when the last Governor signed the prior bill to take money from the Hawaii Hurricane Relief Fund, she did note that no matter what the balance of the Fund is, that bonds can be floated and other means can be had to basically reinstate insurance should it be needed in the event of a hurricane. Thank you."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this bill. While I understand our State is in a difficult fiscal position that requires sacrifices and compromises, I also recognize the consequences of using allotted funds from one program or fund to pay for something completely different.

"Our State government should not make it a habit to require our people to pay certain fees to help create a reinsurance mechanism in anticipation of a potential hurricane and use the money for something unrelated. Because of the situation we find ourselves in now, I do find that it may be necessary to utilize some of the Hurricane Relief Funds to offset some of our fixed costs that directly impact quality of life issues for our people. I prefer to borrow the money as opposed to an outright raid and have significant reservations on this measure.

"We must remain vigilant in our fiscal decisions as a Legislature and truly take into account all those affected as well as the long-term consequences of our actions."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, I was in CPC when we passed the original bill, and it was a result of *Iniki* when all the insurance companies left town. They're all back. As far as who paid into the Fund, we collected money from every place. And if you happen to have a policy, you got coverage for your policy. So you got what you paid for. My position is that the HHRF should be changed from a direct insurer, because there's no reason for us to do that, to be a reinsurer. And we get much more coverage if we became a reinsurer. Thank you."

Representative McKelvey rose in support of the measure and asked that the remarks of Representative Herkes be entered into the Journal as his 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 Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. It seems to be that if we're not going to take money out of funds like this, we're going to have to raise taxes. And I think for most of us in this Body would prefer to take money from Funds like this rather than to raise taxes. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1043, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Pine, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 728) recommending that H.B. No. 422, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 422, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 51 ayes.

At 12:18 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 865, HD 2
H.B. No. 739, HD 2
H.B. No. 798, HD 1
H.B. No. 803, HD 1
H.B. No. 879, HD 1
H.B. No. 1043, HD 1
H.B. No. 422, HD 2

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative M. Oshiro introduced a second group of from Hale Kula Elementary School, and their teachers, Ms. Michelle Nakasone and Ms. Nani Grant.

At this time, the Chair announced:

"Members, at this point I would like to say that the Senate is much more efficient and effective. The completed their work before 12 noon and I commend the President for a job well done. Let's proceed on before we break for lunch."

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 729) recommending that H.B. No. 423, 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 H.B. No. 423, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 730) recommending that H.B. No. 786, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 786, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you. On Stand. Com. Rep. No. 730, Mr. Speaker, the solid waste surcharge. I have reservations about that because it will hit all of our residents here in the State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 786, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Fontaine, Johanson, Pine, Riviere and Ward voting no, and with Representative Cabanilla being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 735) recommending that H.B. No. 1019, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1019, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har 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. 1019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Brower, Cullen and Yamane voting no, and with Representative Cabanilla being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 736) recommending that H.B. No. 1239, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1239, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose to speak in opposition to the measure, stating:

"I stand in opposition. Very briefly, the State shouldn't be getting into a ferry business. We should be encouraging a private entity to come out and create a ferry system. Thank you."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations, please. And may I have my comments given on Second Reading of this measure entered into the Journal for Third Reading," and the Chair "so ordered." (By reference only.)

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? Given my pending appointment to the PUC, may I be excused from this vote?"

The Chair responded, stating:

"On Stand. Com. Rep. No. 736, Relating to Ferries. So ordered. You are excused on this particular measure."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in opposition to the measure, stating:

"Just in opposition, Mr. Speaker. And a couple of comments. Yes, this legislation is drafted in particular with Alaska in mind, that uses the water as another highway system for them. It's a very good intention and it would be nice to have something like what Alaska has. And I was very much in support of the Superferry because I thought they did a good job in the private sector without investing public funds. But unfortunately that's not an option for us.

"I'm concerned, Mr. Speaker. Speaker Emeritus said that we cannot pay for what we want now. And we've been doing that for years, we've been providing a lot of services to the people of Hawaii that we cannot afford. And so this adds a huge, huge debt to our budget if we were to implement an actual ferry system run by the State of Hawaii.

"There was one problem with Alaska, and that is now they are millions and millions of dollars in debt because of this highway system, and so that's why I'm in opposition. I do know that the people that introduced this were very much in favor of the Superferry, so I understand their heart and their intent. But based on Speaker Emeritus' comments earlier, I will have to vote no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Fontaine and Pine voting no, and with Representatives Cabanilla and Morita being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 740) recommending that H.B. No. 993, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 993, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 993, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MARINE HIGHWAY SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

At 12:24 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 423, HD 1
H.B. No. 786, HD 2
H.B. No. 1019, HD 1
H.B. No. 1239, HD 1
H.B. No. 993, HD 1

At this time, the Chair announced:

"Members, at this time we will take a half hour lunch break and return at 12:55 p.m."

At 12:25 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:08 o'clock p.m. with Vice Speaker Manahan presiding.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 741) recommending that H.B. No. 1100, 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 H.B. No. 1100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 743) recommending that H.B. No. 550, 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 H.B. No. 550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 747) recommending that H.B. No. 1435, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1435, HD 2, pass Third Reading, 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 Rhoads rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm standing with reservations too. I'm in agreement with the initial bill, but I'm in disagreement with the portion that gives those who've already gotten a lifetime revocation of their driver's licenses a fourth or fifth chance. I hope the bill moves forward, but I hope when it comes out of Conference it's back to the original. Mahalo."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, likewise with reservations. I prefer the original bill. Thank you."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, I stand in opposition for that very reason, giving licensees who have lost their license permanently and allowing them to now get their license back again. There was a reason why they lost their license in the first place and I don't think we should be going down that road. Thank you."

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. Mr. Speaker, first may I request that my comments on Second Reading be incorporated into the Journal for Third Reading."

"In addition, the bill that came out of Finance currently has two major amendments which I think really abate the whole purpose of this bill. There are serious concerns because, first of all, a new section was added regarding lifetime revocations which some of the Members have already discussed. And secondly the task force, the Ignition Interlock Task Force was sunset at the conclusion of this bill."

"My current concern is the lack of safeguards and specificity with the subsequent proposed amendments, specifically in sections 15 and 16, which would permit individuals who have previously received an administrative lifetime revocation of their licensees to be able to drive with an ignition interlock device and to be eligible for relicensing. These additionally proposed amendments not originally contemplated by the task force make implementation by the ADLRO burdensome and in some cases impossible without further study and specificity of the processes needed to be reasonably implemented into this overly broad language."

"For example, section 16 of the bill authorizes the ADLRO to issue a temporary permit to those individuals who have received an administrative lifetime revocation of their license. However, there is not the usual motor vehicle licensing requirement such as a vision test or a road test."

"So, Mr. Speaker, for example, people who have had their licenses temporarily revoked oftentimes have to take an eye test just to ensure that they can still, or at a certain age they're required to take an eye test or even to take a written test. Unfortunately, this bill does not apply those particular prerequisites to the person who has had an administrative revocation of their license."

"In addition, I think that the task force being sunsetted is quite a travesty given the fact that the task force, now that the ignition interlock law has gone into effect on January 1st, 2011, they still have a very important role to play in helping our State ensure that the law is being implemented correctly. And again, they need to examine this very complicated issue regarding lifetime revocations. So we still want to get as many people into this program, but the bill as it stands right now currently has some very serious flaws, and accordingly I go with reservations. Thank you, Mr. Speaker."

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose in support of the measure with reservations and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment. Mr. Speaker, regardless of what bill we come up with, we have to face the reality, and this came out of the hearing in Finance, that there's 1,800 to 2,000 multiple

DUI drivers out there. They get caught. They get the penalties. They lose their license. They get back in the car. Get caught. Go through a series of things that which we have not been able to keep them off the road. This is really a clear and present danger to the public, so for the following reasons we've got to work on it and work on it well. And without reservations, we've got to get them off the highway. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition as well, and I ask that the words of the Representative of Kapolei be entered as my own. But I also wanted to add that Mothers Against Drunk Driving, I believe is still in opposition. And we have to consider how many times a person has actually driven drunk before they're actually caught. Probably a lot. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker and Members. I wish to speak very strongly for this measure. I believe the interlock will save lives. It will allow people to go to work and support the family, or whatever driving activities they need to do in case they get caught for DUI. But more importantly, it will keep them from drinking while they're on the road. Of course, they will have to blow into the instrument and if they've had any alcohol, the car won't go at all."

"This is the main reason for the interlock, to save lives. Now we have made a change in the bill from the House Transportation Committee and that was to include those drivers that lost their license permanently. And nobody condones the reason why they lost their license. They drank excessively a number of times. They got caught a number of times. But they have been, for many of them, for 15 or 20 years without having the ability to have a license or drive a car. This hurts them and it hurts their family. Believe me, when you're punished for 10, or 15, or 20 years, that would seem to be sufficient punishment."

"Now you know that manslaughter and other major crimes, they all go out after a few years. After 5, 6, 10 years, they're out. They're free. With those who lost their driver's license, it becomes permanent. So this bill attempts to rectify that and to allow them to drive, provided that during the course of the time that they lost their license, they have not gotten into any cases of driving without a license, or gotten into any major crimes, any abuse, or any of those types of things. The Judiciary will check their record. If they're clean and they can show they're clean, then they have to go back to drivers' licensing and apply for their license."

"That means they don't just get their license. They've got to take their license test again, and they've got to pass their test. But first of all, they've got to pass the test since they've been without a license for years, that they have been basically free of crime and drinking, or not drinking and driving, because many do after they lose their license. So this will give them the ability to come back and be a part of society and be a productive person."

"Now yes, I approached the task force a number of times and asked if they could work on this measure to allow those with permanent revocations to come back into the system. The task force last year said they would do it this year. This year, they said they would do it next year. I don't believe that for a measure like this that you need to have a whole year to develop the appropriate language. In working with some attorneys, we have developed some language that is a talking piece right now. It's not the perfect talking piece, but it's a talking piece, so that we can move it along and get the appropriate language by the end of the Session. It's a work in progress. But to wait another year, I believe, is sinful."

"Now the task force is very important, and I understand that. I helped to create the task force. But the task force does not make laws. We make the laws. They suggest. They recommend. But it is up to us to accept or not to accept. And this is the measure that I'm proposing now, and I ask you to support this measure as a work in progress. It needs to go to the Senate, and I hope we can improve what needs to be improved in the Senate. Thank you, very much."

Representative Ward rose to respond, stating:

"Mr. Speaker, a brief rebuttal, but still with reservations. I appreciate the passion and the substantive remarks of the honorable gentleman from Maui, however I suspect he's talking about the law-abiding citizens who are in the small minority.

"If in effect, as I said earlier, we have 2,000 repeat DUI offenders out there subjecting all of our mothers, children and friends, endangering their lives on a daily basis. If the speaker from Maui can come back saying those are really small compared to the law-abiding ones, I will change my vote on this. But until that's the case, there are too many out there. I suspect he's talking about the very few who may be the law abiding, who waited 10 or 15 years and have not driven. Whereas these other ones are out with abandon if you will, doing multiple DUIs. Thank you."

Representative Har rose to respond, stating:

"Thank you, Mr. Speaker. Just very briefly. Still in support with reservations. In rebuttal to the Chair of the Transportation Committee for whom I have great respect. I think the issue as the bill stands right now deals with the fact that there are no safeguards with respect to lifetime revocations. So again, going back to for example, section 16. It authorizes ADLRO to issue a temporary permit to individuals who have had their licenses revoked for a lifetime.

"Yet there is none of the usual motor vehicle licensing requirements such as taking a test, such as taking an eye test to ensure that these drivers who allegedly have not been driving for an extended period of time are still physically fit to drive.

"And so all I'm saying right now is, again, if we want to deal with the lifetime revocations in one fell swoop, notwithstanding the fact that it is a complicated issue, that's fine. But again, we need to have some safeguards to ensure that those people who have in fact received a lifetime revocation, and again a lifetime revocation means that you've been in trouble four times within a period of six years.

"So again, let's just be reminded, driving is a privilege and that person has obviously shown to the State that they've abused that privilege and therefore that's why the privilege was taken away for their lifetime.

"If as a Body we want to go back and say it's too harsh, that's fine. But my only point right now is this: let's make sure that the safeguards are in there so that those who have had their licenses revoked for their lifetime have the same standards as the rest of us. Thank you, Mr. Speaker."

Representative Pine rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. I can sympathize with some of the words that Speaker Emeritus said about allowing someone to work, and allowing someone to support their family, but I cannot support any vehicle that allows someone that has taken their license away for a lifetime, just so we can pass something else later on. Because as a statement today, I'm in opposition of giving anyone their license back.

"When I was in sixth grade, I lost my first friend through a drunk driver. When I was in eighth grade, I lost another friend through a drunk driver. When I was in tenth grade, I lost an uncle through a drunk driver. Talk about affecting people's lives. That one time that that drunk driver drove at the wrong time where my friends were at, that ruined their lives forever.

"And it's just too emotional to say more names that I know. This is serious stuff. These people have a disease and their car is a weapon. I know friends and family now that are alcoholics. I love them, but they have a disease and we are giving them a weapon to kill more people. I cannot support this bill, Mr. Speaker, because these people cannot be helped sometimes.

"Maybe by not passing this and ending this legislation, we're going to save lives. We're going to save that person's life that we want to give another chance to drive. This is too risky to allow, and that is the punishment that we give them, Mr. Speaker. Everyone knows in this Body, to get even caught one time, most likely you've been driving twenty times

drunk to be caught. Or you're just really unlucky to be caught the first time. So four times, that's multiple times of risking people's lives, Mr. Speaker.

"I wish that some of my friends that are alcoholic now, I wish they would be caught four times so we can take their license away. Every time they drive I wonder who is next.

"So, Mr. Speaker, this is very serious and probably one of the most important bills that we can make a statement on, Mr. Speaker. To reject that next chance in order to save another life."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Har rose to respond, stating:

"My third time, Mr. Speaker, and I apologize to the Members. I just wanted to be clear on something. The fact of the matter is that whether we like it or not, those who are repeat offenders who do not currently have the privilege to drive, and those who have lifetime revocations, are still driving.

"Mr. Speaker, in fact the gentleman who hit me had had three DUIs. His license had been revoked. He had no insurance. He had no license. He had no registration. He was on the road.

"And so the point here again is, if we want to add in those who have had administrative revocations because we want to get as many people into the interlock program as a policy, if that's what we want to do as a Body, that's okay with me. But my only point is, right now the current version of the bill does not have those safeguards to ensure that those who have had lifetime revocations are held to the same standards to ensure that they are physically able to drive. Thank you, Mr. Speaker."

Representative Souki rose to respond, stating:

"My second time. For the Members, I just want to state that it doesn't take one year to draw up the safeguards and I challenge the previous speaker to come up with the safeguards before the Session is over. Thank you."

Representative Har rose to respond, stating:

"Excuse me, Mr. Speaker. My fourth time. In response to the previous speaker."

Representative Blake Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker."

Representative Souki rose and stated:

"Mr. Speaker, this is not in line. Tell her to cool it a little bit."

Representative Har rose and stated:

"He asked me a question."

At 1:27 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:28 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1435, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Ching, Fontaine and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 750) recommending that H.B. No. 1457, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1457, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition with brief comments. Mr. Speaker, like you, like probably the majority of us here, we were educated at the University of Hawaii. We have a degree at the University of Hawaii. In fact, I have the honor of getting one of their higher degrees. And even though we're supposed to be smart, I don't understand this bill.

"Because we're telling the University, 'If you don't get these guys graduated, we're going to take money away from you'. I'm not sure that what we've asked our land-grant college that is the cradle and the future of the brain trust that we have in Hawaii, is for good.

"If kids do not graduate on time, why we should turn around and, as it says here, the Director of B&F will assess the UH for additional costs to the State based upon the findings of the report that they put together based upon how many people have graduated, how many have reserved credits, and they're not out the door, nor have they put a major forth to be categorized as a student.

"One of our Members has calculated that if this bill was effect, probably about 70% of the students would come underneath it. The reasons in this bill do not relate to family responsibilities or job-related duties, or financial reasons. We just say, 'If you're not in and you get out, give back the money, UH.' That doesn't sound like a University that we've given autonomy to, nor is it a University that we believe fully in and what it's doing to educate the people of Hawaii. So for those reasons, Mr. Speaker, I don't understand this bill and there's no reason to vote for it. Thank you."

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you. In support with reservations. I actually think the underlying premise of this bill is a really good one in terms of trying to make UH not only fulfill its mission as a educational institution, but not necessarily serve as an added drain on the State resources that are essentially subsidizing students who can graduate, but who choose to stay there. Since there is an added cost to the State I think it's a really well intentioned bill.

"My only concern with this particular measure is because of the potential levying of assessments on UH, I would hope that maybe in future iterations of this bill we could either have a transition period which allows UH perhaps sufficient time to be able to expedite the graduation process for those students who are on their rolls now so that they don't, in the interim, hemorrhage a lot of their money.

"My concern may be obviated because the effective date is not for a while, but if that date is changed I do think that a potential unintended consequence is that UH could lose a lot of funding very quickly in a manner that leaves them potentially, adversely impacted with achieving their mission.

"So I think there is a large population of students who can afford to graduate, hence the reason for this particular measure. I think it's something that we need to consider and it's worthy and well intentioned. I just hope as we look at the effective date, we keep in mind how that may impact UH's core function. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this measure and I'd like the thoughts of the last two speakers incorporated as my own."

Representative Chong rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Chong's written remarks are as follows:

"Mr. Speaker, I stand in support. This bill with blank amounts for the credit threshold is designed to minimize the impact to the general fund for students who are well past their minimum credit hours for graduation. In rebuttal, it will not affect 70% of students. Second, this bill is not based on time, but credits. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Mr. Speaker. Thank you. Just briefly on the measure. In support. I just wanted to, for the edification of our Members, just talk a little bit about how great a deal the University of Hawaii is. It's a great deal. It's a great deal for all of our citizens. It's so great a deal that I think we've got one of the best university systems throughout the nation.

"What you may not realize is that the cost of educating a student at the University of Hawaii at Manoa for example, is only about 25%. In other words, what they pay for their tuition money for an in-state resident student is about 25% of the cost of education. For a community college student, it's considerably less. It's about 15%.

"So where does the other money come from? The other money actually comes from the taxpayers of this State, or from grants from the feds and from other places. So I think this bill, what it's trying to do is it's trying to address the shortage of funds throughout the system and throughout the State, and it's telling the University that despite their best efforts in the past few years of increasing tuition dollars and trying to push students through the system, they've got to do a better job.

"And it's also putting students on notice that if you can't graduate or if you stay past the number of requisite credits for a baccalaureate or an associate's degree at our ten university campuses, then there's a consequence to that. Right now there's no consequence. So someone can stay at the University of Hawaii at Manoa for years, and years, and years, and take 200 plus credits, and we're paying. The taxpayers of this State, the Legislature, everybody is paying in addition to that student. I think that's the point of this measure. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, a brief rebuttal. The gentleman rightly so, says UH is a great deal. It's supposed to be a great deal. That's the purpose of a land grant college. So those students from your own state can be educated, and put into the labor force, be productive, and good citizens.

"What this bill fails to respond to is that's the core function of government. If we're going to start 'nickel and diming' the University, why don't we go onto the bus system? Every time you get on the bus, 35% of what the bus costs to take you where you're going, is what the fare box has. You pay 35%, and 65% is the subsidy. When we build the train, if we build it, it's going to be the same way. Because it is a core function, and we believe there is a duty, if you will, of government to subsidize.

"So these figures of 25% is nothing new, but it's a core function of which we have an obligation to educate the future generations. I think this bill goes a step backwards by making us accountable to graduate within a certain time frame.

"The danger is right now we have people 25 years and older more educated than people 25 years and younger. That's a danger sign that heretofore parents were always less educated than their children. Now it's the parents are more educated than the children. We can't dumb down the University System by taking away their money the way this bill does. We've got to encourage them. We've got to incentivize them. And I know the University is working on that particularly with the native Hawaiian population and it's doing an excellent job. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1457, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO HIGHER EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 752) recommending that H.B. No. 338, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 338, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Keith-Agaran voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 753) recommending that H.B. No. 625, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 625, HD 3, pass Third Reading, seconded by Representative Evans.

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. 625, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

At 1:37 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1100, HD 1
H.B. No. 550, HD 1
H.B. No. 1435, HD 2
H.B. No. 1457, HD 1
H.B. No. 338, HD 2
H.B. No. 625, HD 3

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 756) recommending that H.B. No. 1056, 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 H.B. No. 1056, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 758) recommending that H.B. No. 1058, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1058, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine 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 Committee was adopted and H.B. No. 1058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 762) recommending that H.B. No. 121, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 121, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. I'm standing in strong support of this measure. The Civil Air Patrol is a volunteer organization that provides vital services to the State like inland search and rescue, and tsunami alerts, especially in our rural areas on the Neighbor Islands. An appropriation is important because of reductions in federal funding for disaster training. This bill will help the Civil Air Patrol maintain constant readiness, which during a disaster could mean the difference between life and death for many of our residents. Thank you."

Representative Yamane rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? I am a volunteer Major with the Civil Air Patrol," and the Chair ruled, "no conflict."

Representative Yamane continued to speak in support of the measure, stating:

"I am also standing in support with some brief comments. This organization has been actively involved in preparing with our military, as well as first responders on a number of occasions. Mr. Speaker, myself, as well as my office manager, Danielle Bass, have also been actively involved in promoting and supporting volunteer actions in regards to preparation for any type of natural or manmade disasters. I would like to highlight the accomplishments of the Civil Air Patrol. Thank you."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict. I too am an honorary officer in the Civil Air Patrol," and the Chair ruled, "no conflict."

Representative McKelvey continued to speak in support of the measure, stating:

"Thank you. I'm in strong support. I would like the words of the previous speaker entered in the Journal as if they were my own, and a brief additional comment. Nowhere has the value of the Civil Air Patrol been seen than recently when we had the tsunami scare. Well it wasn't a scare. A wave showed up. It just wasn't very big, thanks to the toughing effect."

"But in any event, without the Civil Air Patrol, there were numerous people in numerous areas who would have never gotten any warning at all. And given still the deficiencies in telecommunications in a lot of these areas, the Civil Air Patrol is our first response of information to save lives, so this is very important. Thank you."

Representative M. Lee rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just would like a ruling on a conflict. I'm a volunteer Major with an auxiliary of the Civil Air Patrol," and the Chair ruled, "no conflict."

Representative M. Lee continued in support of the measure and asked that the remarks of Representatives Fontaine, Yamane and McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to disclose a potential conflict of interest, stating:

"I have the same conflict," 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. 121, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 763) recommending that H.B. No. 130, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 130, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Lee rose 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 130 regarding community reintegration. This is a bill that is a part of the 2011 Women's Legislative Caucus Package.

"The purpose of this bill is to require the Department of Public Safety to determine the number of women who are eligible for reintegration into the community and contract with providers of gender-responsive community service to assist women in successfully transitioning back into the community.

"Transferring money from corrections to community reintegration beds is a more productive way of treating women who break the law; addressing their needs appropriately and helping them learn how to live more prosocial and fulfilling lives. Many of our incarcerated women have been mothers since their teens. They need help navigating their way into the work-a-day world. Community based gender responsive reintegration programs can help them chart a more positive course for their lives as well as the lives of their children. I urge the members to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 765) recommending that H.B. No. 277, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 277, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 772) recommending that H.B. No. 1622, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1622, HD 1, pass Third Reading, seconded by Representative Evans.

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. 1622, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 773) recommending that H.B. No. 1035, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1035, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I have strong reservations on Stand. Com. Report No. 773. House Bill No. 1035."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM," passed Third Reading by a vote of 51 ayes.

At 1:43 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1056, HD 1
H.B. No. 1058, HD 1
H.B. No. 121, HD 1
H.B. No. 130, HD 1
H.B. No. 277, HD 2
H.B. No. 1622, HD 1
H.B. No. 1035, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 774) recommending that H.B. No. 884, 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 H.B. No. 884, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 775) recommending that H.B. No. 1243, HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1243, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Fontaine and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 779) recommending that H.B. No. 466, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 466, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Hashem rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har 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. 466, HD 3, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Fontaine, Johanson, Marumoto and Riviere voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 784) recommending that H.B. No. 1268, 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 H.B. No. 1268, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Johanson, Riviere and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 785) recommending that H.B. No. 1434, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1434, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. On Standing Committee Report No. 785, can I please get a ruling on a potential conflict? I represent contractors at my law firm. Thank you," and the Chair ruled, "no conflict."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Mr. Speaker, I stand in opposition. When this first came in to Committee it was, 'three mistakes and then you were out' as a contractor. Then we raised it to six, and amended it. And I understand now it's back to three. And this only means that one contractor, say he makes a mistake in one pay period involving three employees, it means that he's out of the pool on bidding on public works projects for this period of time, and I think that's a little harsh on the construction industry. Thank you."

Representative Cabanilla rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Fontaine 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. 1434, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 788) recommending that H.B. No. 70, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 70, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I am rising in strong support of this measure. This bill is a responsible short-term solution that should only serve as a part of a comprehensive approach to addressing the urgent homelessness situation in Hawaii.

"There are countless homeless individuals that come to Hawaii because of the climate and the well-known availability of social services. These are costs that drain our resources from assisting our local homeless population.

"We should allow individuals with certified family and economic ties in their home state, to receive the option and support to return to home. These individuals must apply for processing and must be recipients of social services for a period of 1 year before consideration. This will prevent abuse of the program, and ensure responsible implementation.

"Not including medical or cash benefits, the State of Hawaii spends approximately \$314.00 per person PER MONTH on food stamps, over \$600.00 in cash assistance per month, and over a thousand dollars per month in outreach services and medical care.

"This program does not expel homeless individuals out of Hawaii. The proposed law states that the person must be willing. By allowing the individual's return, the State will be making an investment. We need to spend our meager resources for our own people and for those the issue of homelessness is all of our problems.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 70, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Keith-Agaran, and C. Lee voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 789) recommending that H.B. No. 1306, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1306, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I am rising in strong support of this measure. This bill would allow affordable housing development to continue responsibly and transparently.

"Our State budget is strained as it is. We are squeezing for every penny, and I know that the Governor and this Legislature will leave no stone unturned.

"As Representatives of our constituents we must make these difficult decisions readily. Eliminating county GET exemptions for will open up options and allow the State to responsibly fund government and provide services to the taxpayers and residents.

"That is why I urge my colleagues to support this bill- to have accountability and to ensure that tax exemption status is being awarded fairly and accordingly."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1306, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

At 1:46 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:48 o'clock p.m.

At 1:50 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 884, HD 1
 H.B. No. 1243, HD 2
 H.B. No. 466, HD 3
 H.B. No. 1268, HD 1
 H.B. No. 1434, HD 2
 H.B. No. 70, HD 2
 H.B. No. 1306, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 790) recommending that H.B. No. 382, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 382, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against this measure. House Bill 382 would allow the Legislative Auditor to examine without exception, the records of the State Department of Taxation including personal tax returns of Hawaii residents which includes everyone in this room, and all of your constituents.

"Tax returns contain highly confidential and highly sensitive information and for this reason, the access to the records has been confined up until now, to duly accredited tax officials of the United States and the respective states.

"The bill permits a non-tax official, namely the Legislative Auditor, to examine this personal tax information, even though she has no authority to collect taxes or administer tax laws.

"My remarks go on, but I know the Majority Leader is counting pages and so if I could have the rest of them submitted to the Journal. But I would really ask the Members to look at this. The adequate safeguards are not in the bill and unless they're put in by the Senate, I would suggest that this bill should not go forward.

"There's a lot of difficulty with personal information being released now. There's another measure on here that I think sets up a fine system for those entities that allow that to happen, and if we are now expanding beyond the normal scope of tax officials, if we're expanding the ability to look at that information, then we need to have some pretty serious safeguards in place. We also need to make sure that this conforms with the IRS requirements. So let's take a real hard look at this before it becomes a bill that we would send up to the Fifth Floor. Thank you."

Representative Thielen's written remarks are as follows:

"Although HB 382 attempts to subject the Auditor to the confidentiality and penalty provisions in our tax statutes, it clearly allows the Auditor to determine what internal policies she will use to protect tax data without anyone checking the soundness of these procedures.

"The State Director of Taxation expressed concern with giving the Auditor access to tax information and recommended at a minimum that a written agreement be developed.

"I am concerned that whatever standards are developed may not meet the standard set by the Federal IRS for disclosure of tax information.

"Taxes have been collected year after year by the State without the need for the Auditor to look over the shoulder of State tax collectors. No one has provided convincing evidence that the Tax Department needs the Auditor to second guess their work.

"For these reasons I urge my colleagues to vote against this bill."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations as well. And also to note that not even the DOTAX people themselves have access to the records in their entirety. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 791) recommending that H.B. No. 250, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 250, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OF ATTORNEYS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Cabanilla voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 792) recommending that H.B. No. 1012, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1012, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. This bill is all about the Asia-Pacific Economic Cooperation, better known as APEC. And APEC is probably one of the most exciting, the most ... What's the word after you're excited and you win? It's one of those. We've got a chance to make it big on the world stage.

"APEC is in November of this year. It's coming along. This bill will help fund it. It's an opportunity that if we do well on the world stage with the 21 nations that we're going to host in the first week of November, we will have a repeat of what otherwise we will do historically in 2011.

"Myself and others. There are a few of us who would love to see Hawaii become the Geneva of the Pacific. The epicenter of diplomacy. So when Fiji is having its internal problems, or the North and the South Koreans, they send them to Hawaii. We haven't realized yet, but this is our opportunity to be like *American Idol*. We're up on the stage, this is our chance to do it, and this is going to be a bill to help fund that.

"And Mr. Speaker, just as an FYI. My office is working with the Governor's Office and Speaker Boehner's Office in the US Congress to make sure that the security funds are here to keep the peace during that Conference. We're going to do all that we can do to make sure that the US Congress knows that this is Hawaii's chance, and will go to bat with us, including Hawaii's own native son, Barack Obama, whom I'm sure is going to be helping get those funds released.

"So for those reasons, Mr. Speaker, this is all about Hawaii's future. It's a very important bill and I'm very pleased. I don't want to get the reputation that I always stand up and say no. This is one of the most emphatic 'yays' that I will give. Thank you."

Representative Nishimoto rose to speak in support of the measure, stating:

"Thank you I'd like to adopt the words of the previous speaker. In strong support. Winning."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I stand in strong support, written comments."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I stand in strong support. The Asia-Pacific Economic Cooperation scheduled to be held this November is a rare opportunity for our Host State of Hawaii to share with the people from the Pacific Rim the spirit of Aloha. While we host this event, we need to ensure the safety of our guests. This measure will provide an emergency appropriation for that reason.

"As the Chair for the House Committee on International Affairs, I believe this measure is of paramount importance. At the hearing held last month, the amount requested was not provided due to issues relating to homeland security. However, Members will have the opportunity to attend an informational briefing in a few days to hear from APEC Host Committee Leaders in which opportunities will be provided to inquire about these and other issues of importance.

"We will continue to dialogue with the APEC organization until the responses are adequately provided. I ask for the Members' indulgence as we move this measure forward. This bill is a work in progress. Again, please know that we will be monitoring this event. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1012, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 798) recommending that H.B. No. 260, 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 H.B. No. 260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 799) recommending that H.B. No. 383, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 383, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like a ruling on a potential conflict. I previously served as a member of this Commission," 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," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 801) recommending that H.B. No. 1307, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1307, HD 1, pass Third Reading, 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."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee 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.B. No. 1307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 804) recommending that H.B. No. 314, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 314, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Morikawa rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Thank you. I believe that it will be more costly and it adds another layer of authority to a process that already works well. The County of Kauai provides a great service in disaster preparedness. I respect and admire the good work that they do and do not believe that another agency would help. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. The House has passed this bill every year for the last eight years for good reason. We're not prepared for a natural disaster statewide. Civil Defense's attitude is to be prepared to respond to a natural disaster. What this bill calls for is a Commission to get us prepared before an event happens.

"Eight years ago, Representatives and I met with professors from the University who said that it was absolutely essential for us to map this State for all natural disasters with some degree of intensity and frequency. We've never mapped hurricanes for this State. We need to know what the probability is. Wherever you live, you should know what the probability is of any natural disaster hitting you.

"A few years ago we passed a bill and I never should have let it out of Committee, giving you a tax credit if you harden your home against hurricanes. Where I live, there are no hurricanes. Earthquakes is what I'm dealing with. So our building codes are not based on natural disasters because we don't know the maps. We need to get the maps and that's what this Commission is all about.

"Professor Kim at the University was going to do this work. Unfortunately, the \$8 million that our Senior Senator had appropriated wasn't earmarked and we lost that.

"Let me give you an example. We haven't learned from New Orleans or Houston. When the hurricane came through, there was glass flying all over the place. There's been no effort to prepare us for a hurricane coming through Waikiki, or Honolulu with high-rise glass. We can go in and we harden that before it happens. Why are we going to wait until the glass is flying all over the streets? This bill is absolutely essential for the safety of the people of this State. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I would like the words of the previous speaker entered into the record as if they were my own. And a

brief additional comment. While our various county civil defenses, as the speaker from Kauai talked about, do a great job, their realm is that county, that particular area.

"What this Commission is to do is to take a forest-view look at preparedness. And not only for the mapping issues as was brought up by the speaker of Kau, but there's other things, too. For instance what are we doing to address macro disasters? Disasters. Everything from a nuclear strike to a terrorist attack. Things like that. Things that have to be addressed on both the county and State level.

"And this isn't just stuff from *Discovery Channel 2012*. The City of Los Angeles just held an integrated exercise itself with all agencies, much like this Commission would do, to look at a scenario of a nuclear attack in Los Angeles.

"And the fact is, I share the concerns with the previous speaker, I don't think there's been any macro-level effort with the counties and the State to look at systematic disasters that would affect the entire State of Hawaii, as well as those disasters which may be particular to one area, but may not be such a risk in the other.

"So I think this is a good proactive measure for government and the State to be looking at because we don't want to be in a situation should that bad day come and everything fails, Mr. Speaker, to say, 'Boy we should have done that when we had the chance.' And now we're in the unenviable situation of having no plans or coordination, or anything for these kinds of macro disasters. Thank you very much."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Har rose to speak in support of the measure, stating:

"In strong support and can I please adopt the words of the Chair of CPC into the record as if they were my 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. 314, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Morikawa voting no.

At 2:02 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 382, HD 2
H.B. No. 250
H.B. No. 1012, HD 1
H.B. No. 260, HD 1
H.B. No. 383
H.B. No. 1307, HD 1
H.B. No. 314, HD 1

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 805) recommending that H.B. No. 1085, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1085, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 807) recommending that H.B. No. 681, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 681, 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 would like to request a ruling on a potential conflict. I'm a member of the Hawaii Army National Guard," 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. 681, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITARY," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 809) recommending that H.B. No. 1107, 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 H.B. No. 1107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 810) recommending that H.B. No. 551, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 551, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I stand in opposition to this measure. Typically electric guns are deployed in conjunction with a firearm which liquor authority investigators are currently not equipped with, although they could. But they choose not to arm their liquor authority investigators. Training for electric guns requires eight hours of training initially, and then four hours annually.

"The Honolulu Police Department, Maui Police Department, as well as other departments in our State consider the electric guns to be an intermediate level of force, which is right below deadly force, and they're only authorized for use in deadly force situations.

"Use without a firearm as a backup could make a situation much worse for our investigators. Electric gun shouldn't be used on people in a state of excited delirium, which a confrontational, intoxicated person would be in. Electric guns are nonlethal, but at the same token, they're not toys. Thank you."

Representative M. Lee rose in support of the measure with reservations and asked that the remarks of Representative Fontaine be entered into the Journal as her own, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise with reservations on HB 551 regarding electric guns. The purpose of this bill is to permit county liquor authority investigators to possess electric guns, establishes safety measures that must be observed by county liquor authorities and internal reporting measures and requires an annual report to the Legislature.

"County liquor inspectors are often exposed to intoxicated, hostile people who may react violently when the inspectors enforce the liquor laws. The people the inspectors are dealing with may have recently consumed large amounts of food and alcohol. Hit with an electric gun and incapacitated, they may vomit and aspirate stomach contents. This could cause death. The liquor inspectors are not trained to deal with this kind of situation. It would be better for them to call the Police and receive training on how to diffuse a potentially dangerous situation.

"Therefore my reservations express my concern that use of electric guns by liquor inspectors is inappropriate."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Thank you, Mr. Speaker. When our founding fathers adopted the Second Amendment Mr. Speaker, in 1781 to the United States Constitution, I'm sure electric guns were not even a dream. In this day and age it's more than a dream. It's a reality. And so are the dangers of our liquor inspectors. Especially those in the rural areas throughout our State. It's often been said that the Second Amendment was adopted to protect the First Amendment, Mr. Speaker.

"Mr. Speaker, all this bill does is give protection to the working men and women in the liquor departments who go out there in our rural areas unprotected and in many circumstances, in harm's way. Thank you, Mr. Speaker."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, 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."

Representative Ito rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, three years ago we passed a bill giving the DLNR conservation officers authorization to use electric guns in the performance of their duties. With proper training, this will help the inspectors and will help protect the public. Thank you."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and can I please have the words of the speaker from Lihue, and the speaker from Kaneohe adopted into the record as if they were my own."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Fontaine 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. 551, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Belatti, Fontaine, Jordan, Luke, McKelvey, Morita, Saiki, Takumi and Thielen voting no.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 811) recommending that H.B. No. 393, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 393, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Rhoads voting no.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 812) recommending that H.B. No. 261, 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 H.B. No. 261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 813) recommending that H.B. No. 18, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 18, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in favor of House Bill No. 18. Thank you. The good news is that Hawaii is passing a measure pertaining to ATVs. Only 3 states have no laws covering ATV safety, so Hawaii will no longer be in the small majority with the final passage of this bill. If this bill passes Final Reading.

"However, the bad news is that this bill allows children as young as 6 years old to operate ATVs. These vehicles come in three sizes: for 6 to 10 year olds; from 10 to 16 years; and from 16 years and up. My original bill would have prohibited minors from riding ATVs.

"And while I would prefer that only adults ride ATVs, probably only those who have drivers' licenses have the requisite experience to operate vehicles. That would put them at a minimum age of 16 years. And backing up that age requirement is the prestigious American Academy of Pediatrics who recommends that persons under 16 not be allowed to control ATVs.

"As this measure advances through the Senate, there is the opportunity to raise the ATV age limit. Another bill, House Bill 1095, House Draft 2 that we voted on earlier requires that only those 12 years and up ride three-wheeled mopeds.

"So if that's a good age limit for mopeds, I think I would recommend the same for ATVs or at the minimum. It is critical that we set age limits before more children get accustomed to riding ATVs, before more small-sized ATVs are sold, and before these recreational vehicles increase in popularity and use. And it is up to us legislators to enact safety laws before more young children are killed and maimed. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan 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. 18, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALL-TERRAIN VEHICLES," passed Third Reading by a vote of 51 ayes.

At 2:10 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1085, HD 2
H.B. No. 681, HD 1
H.B. No. 1107, HD 1
H.B. No. 551, HD 2
H.B. No. 393, HD 2
H.B. No. 261, HD 1

H.B. No. 18, HD 1

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 815) recommending that H.B. No. 878, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 878, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Aquino rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to request a ruling on a potential conflict. I work as the Executive Director for a nonprofit," 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. 878, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 818) recommending that H.B. No. 320, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 320, HD 2, pass Third Reading, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 320, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 819) recommending that H.B. No. 1456, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1456, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like to request a ruling on a potential conflict. Can I do it on all three, Stand. Com. Rep. Nos. 819, 820 and 822? I am a partner in gas stations on Maui," and the Chair ruled, "no conflict."

Representative Rhoads rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations on Stand. Com. Report 819. I understand the desire to streamline the enforcement process to increase the civil penalties, and I support that effort. I'm reluctant to give away the criminal penalties and I don't see that they're necessarily mutually exclusive. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1456, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 820) recommending that H.B. No. 1455, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1455, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like to request a ruling on a potential conflict. Can I do it on all three Stand. Com. Rep. Nos. 819, 820 and 822? I am a partner in gas stations on Maui," 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. 1455, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 822) recommending that H.B. No. 972, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 972, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like to request a ruling on a potential conflict. Can I do it on all three Stand. Com. Rep. Nos. 819, 820 and 822? I am a partner in gas stations on Maui," and the Chair ruled, "no conflict."

Representative Morita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict. Given my pending appointment to the PUC, may I be excused from this vote?"

The Chair responded, stating:

"So ordered. You are excused from this vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 823) recommending that H.B. No. 112, 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 H.B. No. 112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 827) recommending that H.B. No. 496, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 496, pass Third Reading, seconded by Representative Evans.

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. 496, entitled: "A BILL FOR AN ACT RELATING TO LAKE WILSON," passed Third Reading by a vote of 51 ayes.

At 2:13 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 878, HD 1
H.B. No. 320, HD 2
H.B. No. 1456, HD 1
H.B. No. 1455, HD 2
H.B. No. 972, HD 1
H.B. No. 112, HD 1
H.B. No. 496

At 2:13 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:20 o'clock p.m. with the Speaker presiding.

ANNOUNCEMENTS

Representative Rhoads: "Can I make an announcement out of order? I just wanted everyone to know that we have a birthday girl on this day. The youngest Member of our Body is now a year older. So does that mean she's still the youngest Member? Yes, I guess it does. Congratulations."

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 829) recommending that H.B. No. 1164, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1164, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you Mr. Speaker. I rise in support to express some reservations regarding this bill. This measure requires the Department of Land and Natural Resources (DLNR) to consider the sale or exchange of its Sand Island light industrial and industrial parcels to lease holders.

"The impact on DLNR's public trust responsibilities that may result from losing the consistent revenue from the SIBA lease is an important consideration. DLNR's light industrial properties, including the Sand Island Industrial Park, generate substantial revenues which support DLNR's core State programs related to the prudent management of the State's land holdings and to the sustainability of Hawaii's "sensitive natural, cultural and recreational resources." Revenues from Sand Island make up 60% of the Special Land and Development Fund (SLDF), a critical source of funding for important DLNR programs. The SLDF in recent years has supported the efforts of DLNR to recover threatened and endangered species and to battle invasive species and to match federal funds support such programs. The SLDF has also supported operations and maintenance for the State Parks system, including funding lifeguard services at certain beach parks. The SLDF also funds the entire operation of the Office of Conservation and Coastal Lands which processes

conservation district use applications. Finally, the SLDF assists the Commission on Water Resource Management in its efforts to plan for long-term management of Hawaii's water sources.

"The Sand Island Business Association (SIBA) presently holds a master lease for the industrial lots and as the new Chair of the Board of Land and Natural Resources testified, DLNR has been open to exchanging the lands for property that generates comparable revenue. The bill requires DLNR to study the feasibility of selling or exchanging the industrial park and factors impacting such a decision. While the present lessees of SIBA (and their predecessors) should be commended for financing the improvements at the industrial park, we should not lose sight that they did receive the benefit of their bargain with the taxpayers of the State by having less than fair market value rents and as they pay the debt service for the improvements, a fixed rental period.

"While the status of Sand Island as part of the Ceded Lands Trust remains disputed, I also would caution against transferring these lands prior to completing the reconciliation process with native Hawaiians. Any study of the factors affecting whether DLNR should agree to a sale or exchange of the industrial park should consider whether these lands should be on the table to be included in any land transfer with the Office of Hawaiian Affairs.

"I am voting in favor with the reservations discussed above."

Representative Carroll rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Coffman 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.B. No. 1164, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives C. Lee, M. Lee, Luke, Morita and Takumi voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 830) recommending that H.B. No. 376, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 376, HD 1, pass Third Reading, 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."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley 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. 376, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Belatti,

Brower, Keith-Agaran, C. Lee, Luke, Morita, Nishimoto, Rhoads, Riviere, Takumi and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 831) recommending that H.B. No. 1180, 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 H.B. No. 1180, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 832) recommending that H.B. No. 1617, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1617, HD 2, pass Third Reading, 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. 1617, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 837) recommending that H.B. No. 1566, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1566, HD 1, pass Third Reading, seconded by Representative Evans.

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. 1566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Brower voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 838) recommending that H.B. No. 568, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 568, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you. Mr. Speaker. With reservations. I disagree with the right of first refusal. That will really diminish the value of the money that will come to this State for the lease rent."

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."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and I agree with the Representative from Kailua."

Representative Carroll 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. 568, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 843) recommending that H.B. No. 1083, 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 H.B. No. 1083, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," passed Third Reading by a vote of 51 ayes.

At 2:25 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1164, HD 1
H.B. No. 376, HD 1
H.B. No. 1180, HD 1
H.B. No. 1617, HD 2
H.B. No. 1566, HD 1
H.B. No. 568, HD 2
H.B. No. 1083, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 844) recommending that H.B. No. 1505, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1505, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 845) recommending that H.B. No. 331, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 331, HD 2, pass Third Reading, seconded by Representative Evans.

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. 331, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 851) recommending that H.B. No. 549, 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 H.B. No. 549, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 853) recommending that H.B. No. 545, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 545, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose in support of the measure 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:

"I rise in support with strong reservations to H.B. 545, which would allow and provide for online voter registration. While the intent of the bill is certainly noble, the possibility of error or fraud is high. I certainly feel that this needs to be addressed further. Additionally, the low rate of voter participation is a symptom of something more than convenience. We need to support election measures that reinforce the relevance of civic participation in our communities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 545, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 855) recommending that H.B. No. 638, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 638, HD 1, pass Third Reading, seconded by Representative Evans.

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I just wanted to note that this is one of those measures that seeks to streamline the elections process. It's difficult often when you have minority votes. You don't end up finding out who's actually losing, or who's actually winning. If we do pass this, there's an opportunity for further review of course, as it goes to the Senate. But I did want to note that it will allow us to far more quickly find out who it is that's actually winning. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 638, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 856) recommending that H.B. No. 1004, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1004, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har 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. 1004, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 857) recommending that H.B. No. 246, 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 H.B. No. 246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU," passed Third Reading by a vote of 51 ayes.

At 2:27 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1505, HD 2
H.B. No. 331, HD 2
H.B. No. 549, HD 1
H.B. No. 545, HD 1
H.B. No. 638, HD 1
H.B. No. 1004, HD 1
H.B. No. 246, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 859) recommending that H.B. No. 828, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 828, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto 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 Committee was adopted and H.B. No. 828, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 860) recommending that H.B. No. 1640, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1640, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. I rise in strong support of this measure. This will allow counties to issue ID cards at locations where driver's licenses are issued. On Neighbor Islands you have to visit the Governor's Liaison Office to get a State ID, and the hours and the days that the office is open makes it even more difficult to get one.

"I had to personally pull my daughter out of school a few years ago so that she could get her State ID which was necessary for travel. And there's no reason that getting an ID should require taking steps like that.

"This bill would make it much easier for people to get an identification card, particularly students and residents living in rural areas who either have to cut class or drive longer distances, and then stand in line for an unnecessarily long time. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1640, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 862) recommending that H.B. No. 848, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 848, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 864) recommending that H.B. No. 1300, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1300, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 865) recommending that H.B. No. 782, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 782, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to this measure and I'd like to say a few words. Mr. Speaker this bill would establish a pocket of money, a special fund to fund the operations of the department.

"And in order to do that DBEDT, the PUC, the Department of Labor and the Department of Taxation will assess a \$20 surcharge on fees for business and commerce related services and then deposit the revenue into a special fund in DBEDT. So these departments essentially become the tax collector for DBEDT's new special fund.

"This bill is bad for the following reasons. The surcharge raises the cost of living in Hawaii and the cost of doing business. The money goes directly into a special fund and not into the general fund. A nexus does not exist from the surcharge collected from various departments and the programs to DBEDT.

"The \$20 surcharge is arbitrary and capricious. It is simply a money grab to run DBEDT. As far as the general fund expenditure limit, it appears that these monies evade the general fund limit because they don't go into the general fund first where they are counted as general fund revenues upon which the limit is calculated. Too many special funds have rendered the general fund spending limit almost meaningless.

"We've been told that too many special funds remove flexibility and decision-making power from us, the legislators. Good government principles would require that taxes and fees be placed first in the general fund so that we can appropriate the amount needed to operate certain programs.

"Why charge taxpayers who want services from the Department of Taxation or the Department of Labor for DBEDT to pay for DBEDT programs? Will the charges go into DBEDT's Energy Division or the Business Division or the Film Division? Where is the nexus and where is the connection?

"What relationship does a public utility have with DBEDT? And why would they be able to collect a fee for services they don't even provide? What nexus does DBEDT have with a hoisting machine operator? Or a pyrotechnics operator? A safety and health professional? Boiler installer or an elevator mechanic? None that I can see. Yet they want to attach a surcharge for the application, issuance, renewal, or reissuance of a license, permit, certificate, or other authorization.

"Section 37-52.3 of the Hawaii Revised Statutes requires that special or revolving funds must reflect a clear nexus between the benefits sought and the charges made upon the users or beneficiaries of the program; provide an appropriate means of financing for the program or activity and demonstrate the capacity to be financially self-sustaining. This bill doesn't meet any of these codified requirements.

"I am not surprised that the Department of Commerce and Consumer Affairs and the Department of Labor and Industrial Relations are opposed to this bill. And of course it doesn't surprise me that DBEDT and DBEDT's testimony to the Committee on Finance was the only testimony in favor of this ill-conceived measure. Thank you."

Representative Choy rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. In these hard economic times the DBEDT A-fund budget is about \$5 million, and this \$20 surcharge would fund DBEDT for only a short period of time. In fact this \$20 surcharge would end on June 30th, 2015.

"Now I realize there's no difference between fees and taxes, but the score keeping function of DBEDT is very, very important to business. When you talk about score keeping, those are the first functions that are probably going to go on the cutting room floor in hard economic times. If it just takes \$20 for a short period of time to serve its business, I think this is a really great idea. Thank you, Mr. Speaker."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise in opposition to this measure. I firmly believe that Hawaii's economy is predicated on the success and health of our small business sector. A surcharge like this, that has the potential to be levied multiple times on small businesses, would only increase the cost of doing business in Hawaii. Our small businesses are struggling to stay afloat and all of these additional fees that government imposes make the prospect of thriving, let alone surviving, a very daunting one.

"Despite the good intentions of this bill, I think the fees it imposes in the name of funding the Department of Business, Economic Development, and Tourism are completely counterproductive to encouraging and supporting small business in Hawaii."

Representative Morita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? Given my pending appointment to the PUC, may I be excused from this vote?"

The Chair responded, stating:

"This affects the Department of Business, Economic Development and Tourism."

At 2:33 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:34 o'clock p.m.

The Chair then stated:

"At this point the Representative from the North Shore of Kauai has asked that she be excused from this particular vote pending her confirmation tomorrow. The Chair recognizes that, and you'll be excused for this particular measure."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would like the words of my Vice Chair entered into the record as if they were my own. And also just to touch upon his comments, DBEDT is the only agency in government, to take the words of my colleague from Upcountry, Maui, that can play offense. Every other agency is a regulatory agency. DBEDT is the only one that can be proactive. And if we want to fund the Small Business Regulatory Review Board, if we want to fund the PUC, especially if you want them to address all these multiple dockets like wheeling and other things, then we need to find a revenue stream for them.

"One of the reasons why your Committee on Economic Revitalization moved this bill is because the Vice Chair is absolutely correct. In these tough budgetary times, it's DBEDT that's probably going to get the axe first and foremost. And how can we have the Small Business Regulatory

Review Board, especially given another piece of legislation that's moving, work with agencies to remove redundant rules, rules that have been adopted for statutes that are no longer in existence, if we don't fund them to do their operations.

"So this is outside of the box, but I think it's worth exploring and hopefully the conversation can continue in the Senate because again, if we can't find ways to fund DBEDT and the functions, it's going to be the business community and others who are depending upon their services that suffer. So I welcome any new ideas to this to make sure that they don't take the axe and we can't play offense. Now for our economy, it's worth exploring. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 782, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no, and with Representative Morita being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 867) recommending that H.B. No. 983, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 983, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 868) recommending that H.B. No. 985, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 985, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Fontaine and Pine voting no.

At 2:37 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 828, HD 2
H.B. No. 1640, HD 2
H.B. No. 848, HD 2
H.B. No. 1300, HD 2
H.B. No. 782, HD 2
H.B. No. 983, HD 2
H.B. No. 985, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 870) recommending that H.B. No. 1183, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1183, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere 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.B. No. 1183, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Brower, Fontaine, Hanohano, Nishimoto, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 871) recommending that H.B. No. 678, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 678, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Jordan rose to speak in support of the measure with reservations, stating:

"Reservations with a comment, please. My comment regarding my reservations would be the fiscal impact on the general fund due to this measure. I believe that there are other measures that we can take to protect personal information. Thank you."

Representative Marumoto 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. 678, HD 3, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Fontaine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 873) recommending that H.B. No. 1483, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1483, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Carroll rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"I am in strong support of 1483 HD1 as it will help alleviate imminent threats of agriculture shutdown on the Island of Moloka'i by reducing current water rates and forgiving outstanding debt.

"The Moloka'i Irrigation System directs the Department of Agriculture to provide water to the MIS users who lease tracts under Section 207 of the Hawaiian Homes Commission Act. The MIS is also part of the State's Irrigation System Revolving Fund that is meant to be self-sufficient with affordable water rates to encourage and sustain agricultural development. Due to the economic downturn and other unforeseen events, an outstanding balance of \$350,000 is owed on the MIS by the system's homesteaders. This debt currently extends well beyond the means of the homesteaders' ability to pay back. Being unable to pay, these homesteaders are being faced with a possible shutdown of their agricultural businesses.

"In order to ensure the survival of Molokai's agriculture, HB 1486 HD1 provides a one-time forgiveness clause to eliminate debt incurred prior the effective date of this measure. HB 1486 HD1 also reduces the current water rate to help alleviate existing expenditures and hopefully encourage new agricultural development."

Representative Jordan rose to speak in support of the measure, stating:

"In support with a comment. Thank you. I support this measure, Mr. Speaker, because the State has an obligation, a trust obligation, to provide

for projects pursuant to subsection D of the Hawaiian Homes Commission Act that sufficiently provides water for irrigation, aquaculture, and activities on tracks of leased land to Native Hawaiians pursuant to section 207A. Thank you, very much."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I would just like the words of the Representative from East Maui entered into the record as if they were my own."

Representative Ichiyama 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. 1483, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Choy voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 875) recommending that H.B. No. 1054, 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 H.B. No. 1054, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 876) recommending that H.B. No. 4, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 4, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. I sit as an ex-officio member of the National Interstate Compact, and also a member of the State," and the Chair ruled, "no conflict."

Representative Takai continued to speak in support of the measure, stating:

"Thank you, very much. I would like to submit written comments in support. And also I'd like to mention a letter written to the Secretary of Defense regarding this issue. Thank you."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. Interstate compacts are a time-tested and court-tested means of resolving interstate problems authorized under Article I, Section 10, Clause 3 of the U.S. Constitution.

"In our country's 220 year history some 200 compacts have been adopted of which Hawaii is a member of approximately 15 interstate compacts including three compacts pertaining to education.

"Interstate compacts are used for three primary purposes: boundary disputes between states, management of environmental resources, and regulatory compacts which apply to a wide variety of multi-state problems including transportation, insurance regulation, taxation, and criminal justice.

"Compacts allow the states to exercise collective control over matters which are traditionally regulated by the states without surrendering state control to the federal government.

"Interstate compacts allow the states to avoid the problem of 50 different sets of rules' with which to solve interstate problems through a uniform approach while still subject to joint state authority.

"In order to provide the desired uniformity to facilitate the transfer of students in military families from one state to another, a compact mechanism was employed which became effective upon the enactment of the compact by ten states in 2008 and since that time, 24 additional states have joined the compact, including Hawaii, for a total of 35 states.

"Since January of this year, the compact legislation has also been introduced in North Dakota, Montana, and West Virginia and Wyoming, with proposed legislation pending in New York and Pennsylvania and a number of the other non-member jurisdictions expected to introduce the legislation this year.

"On average, most military children will move at least twice. Most will attend six to nine different school systems between kindergarten and 12th grade.

"These frequent moves result in some educational obstacles. Though many states, including Hawaii, have made progress in addressing these educational concerns, there is a lack of consistency between states that continues to create difficulties for our military families.

"Some of these recurring issues include kindergarten start age, participation in extracurricular activities, immunizations, timely transfer of records, placement in appropriate courses, missed or redundant entrance and exit testing support for children of deployed service members, and on-time graduation.

"Though one state may do several things right, the next move to another state can create a new set of problems since the procedures are not the same.

"This Compact seeks to facilitate equal educational opportunity for the children of military members in four major areas: enrollment, eligibility, placement, and graduation.

"The overall goal is to establish a 'common denominator' among the member states which will remove existing barriers to timely completion of the public education process for these students who by virtue of the decision and commitment of their parent to serve our country are, in many cases, being unfairly penalized.

"The Interstate Compact does not ask for special privileges for military children; only that states create a level playing field, and work cooperatively to make it happen. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 4, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 877) recommending that H.B. No. 159, 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 H.B. No. 159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 878) recommending that H.B. No. 198, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 198, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Third Reading by a vote of 51 ayes.

At 2:42 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1183, HD 2
H.B. No. 678, HD 3
H.B. No. 1483, HD 1
H.B. No. 1054, HD 1
H.B. No. 4, HD 2
H.B. No. 159, HD 1
H.B. No. 198, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 881) recommending that H.B. No. 952, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 952, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to the public schools land trust. Mr. Speaker, we have 257 school campuses, all elementary and high school. This bill proposes that we pool them and use and develop their land and make money for the DOE.

"I think the issue and the concern about many of us is that some of our districts, some of our complexes have been subject to closure because of funding. This seems to be maybe a clever way of doing it, but I would submit this is probably a school closure or at least an incentive for school closures because in effect, as it says in one section, that the measure will identify underused public school lands and public schools.

"So with that I fear that the way all of our districts are being tormented now, this is going to be an incentive to do so. Heretofore I thought the mandate of the DOE was education, not land development. We've already got a HCDA, the Hawaii Community Development Authority. We've already got other ways of doing development and if you look at the cash flow of the Aloha Tower Development Corporation, do you think we could do very good doing land development of school properties? I don't think so. The track record is suggesting that we stick to our knitting, and DOE sticks to education and not getting into the land development business.

"And I close this with a quote from the Honolulu City Council which was unanimously passed urging the Legislature to kill this bill. Mr. Speaker, the City and County rarely weighs in as emphatically as they've done. They went out of their way to do a resolution and they're saying to us, stay away from this. It's not something that we should be doing. And, Mr. Speaker, later on when it puts us in jeopardy with the City Council and all the others who know what business is like, I think we should back off and that's why I'm speaking on this bill. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise to express reservations regarding H.B. No. 952, HD1 which proposes to carve out a new Public School Lands Trust from the State's Public Lands corpus and creates a new commission to duplicate authority already granted to the Board of Land and Natural Resources and other governmental authorities over these lands. The measure suggests that creating this new redevelopment structure and landholding scheme will maximize the use of public school lands and generate income to improve public school facilities. This bill also establishes the Public School Lands Trust Permanent Fund along with the School Facilities Special Fund.

"No one denies that repair and maintenance of the physical infrastructure of our public school system can use additional resources, or that education is a prime core function that should be supported by public funds. However, creating a separate land trust and a new commission to manage that land trust raises some difficult issues. It's useful to remember that as a condition of being admitted to the Union as the Fiftieth State, the U.S. Congress required:

(f) The lands granted to the State of Hawaii . . . , together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

Admissions Act, §5(f).

"It's also useful to recognize that historically Hawaii's decision makers have used its public lands and rents from those trust lands disproportionately in support of public education as opposed to other purposes identified for these trust lands (i.e., the most glaring being "the betterment of the condition of native Hawaiians"). Further, due to the historical development of our State, the counties nominally continue to hold title to the formerly private lands under the older schools although active management of those lands has been borne generally by the State since Statehood.

"It is entirely within the Legislature's authority, if it chooses to do so, to reserve the lands with the best potential to yield income and to apply those proceeds to support our public school system. However, while this may be a good idea, we should account for the historical imbalance in the use of Hawaii's public lands. Until reconciliation is achieved, it seems premature to discuss carving out what may be the most valuable and easily developable lands from the discussion over how we achieve a just resolution with our native people.

"So although I share a strong and abiding commitment to provide the best education possible for our *keiki*, I must support HB No. 952 HD1, with these reservations."

Representative Carroll rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose to speak in opposition to the measure, stating:

"A no vote with comments, please. Thank you. I feel this bill is premature. Before any consideration of a public school land trust, the State must first resolve claims and obligations to Native Hawaiians. Restricting the use of revenues generated on public trust lands solely for the use of public schools would violate any State obligations. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am voting on this bill with reservations. I had thought that perhaps the Board of Education and the Department of Education advanced this bill in an effort to maybe make use of Liliuokalani School because it is so well situated in a commercial area on Waiālae Avenue in Kaimuki. But the Deputy Superintendent assured me

this was not a DOE bill. It was from the HIPA, which is a think tank, a private think tank. And I believe him, that it was not intended to close certain schools and make use of their real estate.

"But there may be something to looking at the schools to see whether there might be some potential development areas. I think the schools where they're taking the property may benefit in some way, like Star of the Sea School in my district. Of course it's a private parochial school. When they developed a retirement home nearby, the retirement home was able to purchase a new gymnasium and a new early learning center for the Star of the Sea School. So maybe something of that type can be worked out in the future.

"I think that we have to go very slowly on this. You have to consider the public lands issue and also the various counties because in many places this is a land grab and it would take the property and parks away from the counties. So I think that we should step back this year. Take a long, slow look at this, a good study of the issues and see what we learn. So I'm not voting no, but I will vote with reservations. Thank you."

Representative C. Lee rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with reservations. I do think the bill has merit and is certainly worthy of further discussion. But I do think the Representative from Waianae brings up a good point and for that reason, with reservations. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"I rise with reservations. I would also ask that the comments made by the Representative from Kaimuki be entered as my own. But I would be disappointed if this did lead to school closures. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. Let me respond in support. And this is the bill that's the proverbial 'work in progress' so we should always keep that in mind.

"Let me just make a couple of points, Mr. Speaker. The whole concept behind the trust idea and whether or not we go with the trust idea, the whole goal is to say, we take a school and see whether or not we can generate revenue out of that school.

"As you well know, Mr. Speaker, Wailupe Elementary School closed. Anybody who drives past that school today knows what it's being used for. Absolutely nothing. It's sitting there because it's owned by the City and County of Honolulu and there's nothing. And unfortunately unless the City continues to maintain that property, typically it will be vandalized. It'll just be run down and so on.

"And the fundamental reason for that happening is because there was no process in place as this bill intends to do, to make use of that property.

"Secondly, Mr. Speaker, this is not about school closures. Those are two separate issues. Envision this. Take Puuhale Elementary School. It's been a source of controversy as to whether or not it should be closed. Puuhale sits on seven acres of land. What if you were take that school, go to a developer, and by the way discussions are ongoing for this effort. Go to a developer and say, 'Tell you what you do. If you are willing to build a new school on that site using two acres, a state-of-the-art school, white boards, laptops, the whole nine yards. But you also get to build 100 units of affordable apartments for that community.'

"So perhaps teachers could live in those apartments, or people who work in that community could live in those apartments. We're not talking about public housing by the way, Mr. Speaker. We're talking about very nice apartment units. And the deal with the developer is we'll give you a 55 year lease, at \$1. So the land, essentially you have a commitment to have that for 55 years and that developer will then be responsible, Mr. Speaker, for the building and maintenance and running of that facility and we would

indemnify the State. The State would not have a liability in case something should happen on that property.

"I dare say, if you go to that community where Puuhale sits and you tell those parents and teachers that we will build you a state-of-the-art school, your kids can continue to come here, and we'll have apartment units there so we'll have an adult presence on that campus 24/7, and it would be at no cost to the State. And for the City Council and for the Mayor, the discussions are ongoing with them as well. The developer has to pay property taxes because they're residential units on that site. How much revenue does the City and County generate today on school campuses? Okay, I know the answer. Zero. Nothing.

"So let's keep this in mind. It's a work in progress. To simply say no at the beginning I think is way premature. And just as a matter of correction, there are 286 in this State. Thank you, Mr. Speaker."

Representative Manahan rose in support of the measure and asked that the remarks of Representative Takumi be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Awana rose in support of the measure and asked that the remarks of Representative Takumi be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to speak in support of the measure, stating:

"In support, Mr. Speaker. And I never thought I would ever do this, but I'd like to use the words of the speaker from Pearl City as my own."

Representative Ward rose to respond, stating:

"Yes, Mr. Speaker. Just a brief rebuttal. And because I represent my district I'm going to speak exactly for my district. To have what they have at Iolani where next to their school where they build apartments to fund it. Where they have next to Star of the Sea to fund it. That would not fit in my district on the three elementary schools that I have. It just doesn't fit. To see 100 feet, or 50 feet of high rise buildings next to a school because we didn't budget ourselves. Which already the budget is at \$2 billion because we don't know how to prioritize education. We've got to go out and become developers.

"We know how good the government is at running businesses. To put the DOE or the DLNR into the business of building high rises to fund our educational system, I think I may even vote for the gambling bill before I would vote for this one. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Jordan and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 882) recommending that H.B. No. 953, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 953, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I rise in opposition. Just a real brief comment. This is not a time to be talking about salary increases for the superintendents, not with these economic times. So I think this is a discussion we should be having later on, further down in a number of years when we get better. Thank you."

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."

Representative Cabanilla rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Hashem rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. I do think one of the underlying things for us all to consider is that the timing of this is obviously not ideal and I think we all recognize that.

"But I do think that if we contextualize it in the broader discussion of education reform that this Body has actually enacted in the many years before I was here. I think it is part of the broader discussion from a human capital perspective after the enactment of Act 51, the governance change that we made with the appointed school board. A lot of these pieces of the puzzle for a better education system are things that are up for consideration by this Body. I think this particular measure from a human capital perspective is asking us to take a look at how do we attract, recruit, and retain the best qualified people. And particularly because of the reforms enacted under Act 51, many of these individuals are given very significant responsibilities for the education of our children. For those reasons, although I agree with everyone's point about the timing, I do think it is important for us to continue considering this measure. Thank you."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support, but just a couple points of edification on this bill. And I realize the concerns expressed by some Members saying this is not the time. Please keep in mind that as you well know, Mr. Speaker, the Superintendent's salary is set in statute by law and currently it's \$150,000. It's been \$150,000 for ten years. I dare say many people in the community over the past ten years have gotten raises, including all 51 Members sitting on the Floor today.

"And by the way, Mr. Speaker, the dilemma is that if the Superintendent gets \$150,000, and again it's in statute, it's a percentage, that the complex area superintendents get 80% of that, and the assistant and the deputies can get up to 90% of the Superintendent's salary. And again that hasn't changed for the past 10 years.

"So because of collective bargaining, because in those ten years frankly principals have gotten raises, as well they should have. And as a result currently six principals in our system make more than the Superintendent, and well over a 100 principals make more than the complex area superintendents. So the very people that they are being supervised by get paid less than they do.

"What does that do ultimately? It really leads to a dilemma of who do you recruit to be complex area superintendents. And if you look, there are 15 of them as you know. The majority of them now are coming from the elementary schools because frankly very, very few high school principals

are going to take a \$30,000 or \$40,000 pay cut to take on much more responsibilities as a complex area superintendent.

"So there are many interim complex area superintendents, acting complex area superintendents because what the situation now is the Superintendent asks them to take the job. They do it, but they don't want to be permanent. So they do it for a few months and then they go back. That is not a healthy situation if you want to move that system forward. So I can understand again the concerns about the economy and so on, but over the years we've tried to introduce bills to increase the Superintendent's salary, and those have failed as well. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Now that I'm educated about how much principals and superintendents make, I understand now why the education budget is in the billions. I'm changing my vote of reservation to no. Thank you."

Representative Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support with a few comments. I believe if we want to deliver on the promise of Race to the Top, if we want to deliver on the promises of Act 51, if we want to deliver a quality system for all of our Hawaii's children, it's these kinds of measures we must pass. Thank you, Mr. Speaker."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I know it's an old analogy, but it does seem to me that the individuals whose salaries would be covered under this bill have as much right to try to get a market wage as, say the football coach. And I think if we're going to be capping these people out at what's a relatively minor amount of money compared to other positions in this State. Don't get me wrong. Coach McMackin, I think you're doing a great job, but it's hard to see how this is consistent with where our priorities are in athletics. Mahalo."

Representative Yamane rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in opposition. I just wanted to clarify that I know it's been referenced that this bill is an indication that if you are supporting Race to the Top or improving our schools, then you vote aye, versus a no. The reason why I wanted to clarify my no vote, Mr. Speaker, is that regardless of the situation that we're facing, we're still in a fiscal crisis, Mr. Speaker. These positions of, we're talking about \$120,000 annual salary versus looking at giving them an open blank check to increase that up to maybe \$150,000.

"Mr. Speaker, I'm not saying that these individuals don't earn it. I'm very confident that those in Central Oahu deserve it very much. However Mr. Speaker, my question is that with a new Board being appointed as we move forward, as we look at ways of cost cutting measures that are affecting all areas and segments of our community, that we look at salaries as an issue. And from \$120,000 to \$150,000, even for one individual is quite a hefty increase. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition as well. I would like the words of the previous speaker entered into the Journal as if they were my own. And just a brief comment here. My philosophy coming in to this has always been the same. We need to protect the 'worker bees' and look to the top level of management if we're going to make cuts. And think about how many teachers that would allow us to retain and hire for our schools, \$150,000.

"That's not to say, like the Representative from Mililani said, that they're not doing a good job. But in this deficit situation, I think our priorities, at least for me and my constituents, need to be clear. Mine are about supporting the teachers and those at the school level and give them the

resources they need to attract and retain good teachers and staff so that we can have fully functioning schools. If that means we have to hold back on the discussion of salaries for upper level management, then so be it. But I think that's where the priority needs to be. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 953, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Cabanilla, Ching, Fontaine, Marumoto, McKelvey, Pine, Thielen and Yamane voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 883) recommending that H.B. No. 566, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 566, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise with some consternation that is negative about this bill. In opposition. The mantra in my office is, 'a solar on every roof.' Every roof in the State of Hawaii. I think there are two hundred and some thousand homes. But the data says we've only got 25% maybe 30%. Some bills push us forward, and unfortunately this bill I think is going to push us backwards because it's trying to dis-incentivize the solar industry. It's trying to take away what otherwise is our strength. We have sun in most places, some 90% of the time.

"This is a place where we need to have the political will to get rid of that \$7 billion of imported fossil fuel. If we're serious, if we've got the political will, we wouldn't just dis-incentivize this industry. We would do like Israel that's spending \$60 million a year to make sure that those people are dependent upon themselves rather than outside forces.

"This bill I think caps all of the solar credits at \$7 million. Itsy bitsy \$7 million. We've got sunshine for all of our quarter million houses and we're not taking advantage of it. The difficulty I have with it is that we've spoken from the Floor. We've written, we've said we're going to be energy independent. We're going to do this. We're going to do that, Mr. Speaker. We've given it rhetoric. And then when the rubber meets the road, we take a bill like this, we take away the incentives for the guys who are out there doing a yeoman's job. This is going to take away from those jobs. And my fear is the vision that we had or that we say we have, we don't have because this bill is so myopic in its short view of what we are as a people and what we have as a future. That we've got to go beyond that.

"So I hope this is a beginning discussion point for this. I mean we don't have to become like Israel, but let's get the political will of those other countries that don't even have sunshine, who are doing much better than we are, Mr. Speaker. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm opposed to the bill because of the delay of the tax credits and that hurts the program. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you. Reservations for the same reason."

Representative Choy rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. In deference to my good friend from Hawaii Kai, this particular credit has been around for 40 years. And if we're trying to give incentives to some industry, it should be for a short time. If we're trying to achieve a goal, we should have a time frame that's realistic. It's been 40 years to achieve something. Maybe we have to realize that this particular credit is not working and we have to try something else.

"Another point is that this particular credit is going to sunset I believe, in five years. So maybe the five-year time frame is going to put some urgency into getting renewable energy and to take advantage of this particular credit. So I stand in strong support of this particular measure. Thank you."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. This bill does not cap the Renewable Energy Systems Tax Credits. We have a sunset date in 2016. There will be a study prior to that date to see if there's any reason to continue this program, otherwise we're just looking at ending a tax credit way out in the future. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a brief retort to the erudite individual from Manoa. He's right. It's 25 years and we've only got 25% penetration. How good is a program like that? Well if you have niggardly incentives, if you have small incentives, it's saying that we can't do it because we haven't incentivized the industry, and that's probably why people have not done it. Because number one, solar costs money. You've got to give incentives for the tax breaks, and that's probably why we've got 25% penetration and not more.

"And quite frankly, if we're not going to have the method of leadership from this Body, it's not going to be economical from the consumers' point of view. Right now, I know you can lease. Someone will say, 'Well look. They don't have to pay money up front. They can lease it.' But by the time you pay it off in 20 or 30 years, you've only saved about 15% on your electrical bill, and I think people want to save much more than that. For those reasons, Mr. Speaker, I hope this dialogue continues."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, thank you, Mr. Speaker. I speak with reservations even though I do support energy conservation. To give you a little history, I used to be one of the first in the State to put up solar in low income housing in Maui, Molokai and Lanai. We helped to build the solar. In fact we built our own then. And ultimately we got a little more sophisticated. But the ones that we built and the more sophisticated ones are basically the same. They provide the same hot water and the price doesn't matter. My understanding with the solar is they go as high as \$12,000 now. I used to sell some for \$300. And so with the more tax credits you give, the benefit doesn't really come to the buyer. The benefit comes to the seller.

"Another thing you must keep in mind is that ironically with the solar and with a lot of the alternate energy products, as the electric company begins to lose kilowatt revenue because of the conservation methods that you have out there, they'll have to ask our friend from Hanalei, Kauai and the PUC for an increase in the rate because electric companies can't get a return between 12 and 14%. And if it falls below that and it is falling below that because of all the energy conservation ironically, then they're going to be asking for a raise in the rate. And the net return for the user is probably not going to be that great.

"So with this basis, I speak with some reservations on the need for the continuance, and to be careful as we move along. The net gain can be not that great as we move on. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 566, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fontaine, Pine and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 884) recommending that H.B. No. 1176, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1176, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to vote no on the undersea cable bill and I'd like to make a few comments. Thank you. House Bill 1176 proposes a regulatory scheme that really allocates the risk to the ratepayer. For the first time in Hawaiian Electric Industry's history, this legislation would shift HECO's share of responsibility to the ratepayer in the form of higher costs, adjusted rates and surcharges, no matter what the status of the interisland cable project. Not only would the risk of the project be put upon the ratepayer should the interisland cable be unprofitable, but House Bill 1176 also shifts the burden of doing business to the ratepayer even if the interisland cable is not completed.

"House Bill 1176 shields HECO and its shareholders from all possible negative outcomes, but on the flipside, profits will not be shared with the ratepayer. So the ratepayer pays, but the ratepayer does not get any share of the profits. The monies will continue to be the property of the shareholders exclusively.

"Proponents of the bill argue that by eliminating all risks to the utility, the ratepayer will benefit from lower rate should the cable be installed. However, this legislation does not establish any protection for the consumer that would guarantee that the ratepayer would actually benefit from lower rates. Proponents also argue that the Public Utilities Commission provides oversight, but House Bill 1176 does not guarantee the Public Utilities Commission's neutrality.

"The second reason I oppose the bill is that House Bill 1176 is premature. The environmental impact analysis for interisland cable is still in the preliminary stages. Thus even if it's eventually established that the cable is environmentally sound and that ratepayers must take all of the risks, it does not follow that the rate payer will be asked to take on the risk of the project before the cost of the project is determined. At this point the Legislature should not agree to saddle the rate payer for all of the cost of a project when it's not even clear what the extent of these costs are.

"Another reason is that House Bill 1176 establishes a presumption that the construction of the interisland cable is a foregone conclusion. By seeking to establish a regulatory structure for the interisland cable well before the preliminary analysis are completed, a presumption is created that the interisland cable is a foregone conclusion. This bill in many ways validates the criticism coming from Molokai and Lanai beneficiaries that the approval on development of these projects are completed without a good faith consideration of all pertinent data.

"There have been attempts to obtain financial information on the interisland cable, but they have been thwarted. There is a study that has been done by the National Renewable Energy Lab and Booz-Allen. The NREL study is virtually completely redacted so I show you, Mr. Speaker, a page from that study, and all you see are blanked out spots over the information. So we don't have the real information showing what the risk to the ratepayer will be and the ratepayers certainly should have access to this information.

"The other thing is, Mr. Speaker, as I stand here and I look at this piece of legislation, I keep thinking, Superferry. Special legislation for one project. Superferry. Now we know how that went. We came back in Special Session to do it again and then it was struck down by the court. This smells the same. Looks the same. I think virtually it is the same and that we have a Superferry bill sailing through in a premature fashion and I would ask the Members to look at this more thoroughly."

Representative Pine rose to yield her time, and the Chair "so ordered."

Representative Souki rose and stated:

"Mr. Speaker, the boat hasn't sailed yet."

The Chair addressed Representative Souki, stating:

"Representative Souki. You're out of order. Representative Souki, please sit down. Representative Thielen, you may proceed."

Representative Thielen continued, stating:

"You know it's a good thing I can't hear him, Mr. Speaker. Thank you. I would ask the Members, Mr. Speaker, to take a stronger look at this and think of this. We don't have the information upon which to formulate an educated act to decide whether or not legislation like this should go through. It's very premature. It certainly smells like special legislation.

"And I for one would like to see an NREL report that shows the economic analysis and the power output analysis. And I would like to see it where the data is actually shown to us as decision makers. I would hope that we would be able to get this before this bill moves any further on the Senate."

Representative Souki rose and stated:

"Mr. Speaker, a point of information. Do we have a time limit on speaking on this?"

The Chair then stated:

"Representative Souki, Representative Pine has yielded her time and that's why I've allowed Representative Thielen to continue."

Representative Souki: "All right. Please proceed."

Speaker Say: "Don't worry you two seniors. Representative Thielen, please continue."

Representative Thielen continued, stating:

"As the Chair of Transportation says, 'Please proceed.' We did that with Superferry and we were shot down. So we have the very same kind of special legislation here and I would ask that the Chair of Transportation take a look at this and say doesn't this ring bells in his head. Doesn't it sound like the same thing?

"And Mr. Speaker, I personally will be asking NREL for a copy with the data in it. I will probably be refused. DBEDT has it. I would think that we as a Body should get that information so we can really consider this and decide whether or not this bill should even move forward. Thank you."

Representative Morita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I think this is the final time that I will ask for a ruling on a potential conflict. Again, given my pending appointment to the PUC, may I be excused from this vote? Thank you"

The Chair responded, stating:

"So ordered. You are excused."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you. I appreciate the comments from the previous speaker, but I just respectfully disagree with the analogy that it's like the Superferry. With the Superferry, there were a lot of regulations in place. People could argue they didn't follow them. People went to court to make that argument.

"But with this bill, what it does is it sets up a regulatory structure under which the interisland undersea transmission cables could be developed, financed, and constructed on commercially reasonable terms. So this bill is just a framework. Now the discussion on who comes and works in that framework, if we like it or don't like it, that's out in the future. This just sets a framework. I think that's a reasonable thing to discuss and to move forward.

"We're trying to get renewable energy. We're trying to look at alternatives. I think this Body is very committed to try to work on finding answers other than fossil fuels. So I think this is a good bill to move forward. People can judge if they want it in the future or not. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just to follow up on a couple of statements that were made. In support. Thank you, Mr. Speaker. This is not special interest legislation. This is simply giving regulatory structure to the PUC. I expect if and when they ever get to a cable project, there'll be at least a half dozen companies bidding on the RFP that will be required for this. That can't be special legislation.

"Included in the bill are provisions for the PUC. The way it's worded, the cable company, if we get to that point in this project which is many years down the road, will have to have some kind of 'skin in the game' so to speak. The cable company, if they join in this partnership with the electric utility and any wind provider, any other renewable energy provider, will never collect a penny until production of electrical current goes down that cable. So they themselves have to be very well assured that all the players are committed and financially capable of moving forward with the project. So there is absolutely minimal risk to the ratepayers in that case.

"To the question about this being premature. Again, everybody keeps asking what the costs are going to be. I want to see the numbers. You can never get to those numbers unless you do an RFP and get an idea of what the actual costs are going to be. Then they go back and the PUC can plug those into the rate case and actually put those through a rate case hearing, and then we can see what those rates would be proposed. Mr. Speaker, thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would like the words of the Vice Chair of Energy entered into the record as if they were my own. And just to note since, although I agree with the Chair of Transportation, that boat has not sailed, if you look at the court's opinion on ..."

The Chair addressed Representative McKelvey, stating:

"Representative McKelvey, you're out of order. We're not addressing the Superferry. We are discussing the underwater cable."

Representative McKelvey continued, stating:

"Okay, I'm sorry. I'll save it for another day. But anyway, this is important, Mr. Speaker, because if you were at the briefing for the interisland cable, the fact of the matter is, most of the renewable energy resources, the best locations for wind and other types of renewable energies are on the Neighbor Islands, but yet the bulk of the consumers are here on Oahu.

"And another advantage of this cable, and again this is just a regulatory framework. No company has been chosen. Nothing's being done. We are just setting up a framework. But there's space in the conduit for fiber to also connect our islands with broadband. And that's really important. If you want to have a smart grid; if you want to have wheeling; or to quote our good friend from Hawaii Kai, to have solar on every roof, you're going to need that connectivity. Not only for transmission of energy, but also a fiber so you can coordinate these grid systems.

"So again, I think that this is a step in the right direction of looking at a regulatory framework to address these overarching issues. And by the way, this initiative, if I remember correctly, like the other issue, was that of the last Administration, and I concordantly still support it. Thank you."

Representative Thielen rose to respond, stating:

"Thank you. I wanted to just quote from Isaac Hall's testimony just a brief section of it. Mr. Speaker, he is representing the Friends of Lanai and I believe he was very involved as one of the attorneys in the Superferry legislation and won that case in the State Supreme Court. He states:

'This is illegal special legislation modifying our public utilities law, Chapter 269 HRS, for the benefit of a single project, the Hawaii Interisland Renewable Energy Program. For the Hawaii Interisland Renewable Energy Program alone, this bill strips generally applicable provisions from Chapter 269 intended to protect the public and ratepayers from the risks inherent in this project.'

"He goes on and I'd like to have some sections of this put into the Journal, Mr. Speaker. I won't ask for the entire three page letter to go in. But we also have the Native Hawaiian Legal Corporation which states, and I quote:

'The proposed legislative findings about the project's desirability are premature. Scoping for a joint state-federal environmental impact statement about this project is still on-going. During scoping, the state and federal agencies considering this project are required to identify issues that warrant further study. That means as of today, we have not even identified all potential impacts that must be considered in an EIS.'

"This bill is premature, Mr. Speaker. And as being premature, it has some serious defects. So why do we cost the State more money in having to go to court to defend again against something that is premature that we should have thought out more clearly. Thank you."

Representative Thielen submitted the following remarks:

"The transparent purpose of this Bill is to attract private investors as applicants for the Right of Entry from the federal government for the inter-island cable by eliminating all risks from this "investment" by requiring that all costs will be reimbursed by Hawai'i's public utility company through funds collected from the ratepayers, Hawai'i's citizens.

"The ratepayers paying the bill for the interisland cable are never clearly identified. Are they Oahu ratepayers? Oahu and Maui Country ratepayers? Or will ratepayers statewide be forced to pay for this project?

"The Bill does not provide even an estimated cost for the undersea cable and additional infrastructures. Any Bill whose purpose it is to obligate Hawai'i's citizens to pay for a huge utility capital improvement project should, at a minimum, include an estimate of the costs that the Legislature is shifting to its citizens.

"A joint federal and state Environmental Impact Statement ("EIS") for HIREP has been initiated. Until an adequate EIS is completed for HIREP it cannot be known whether an interisland cable is "feasible and necessary," whether wind farms on Lanai and Molokai can produce "four hundred megawatts" of electricity and whether or not ratepayers will benefit in any way from this project. It is premature to make "legislative findings" on these subject matters without the benefits of a complete, adequate EIS.

"SB367 and HB1176 and the actions authorized through these Bills constitute commitments to a particular alternative in violation of NEPA and HEPA. The alternative of wind farms on outer islands supplying electricity to Oahu via an interisland cable is one of several alternatives that are required to be studied in detail in the EIS before it any one alternative is selected or implemented.

"The Public Utilities Commission cannot approve any cable certification application or grant any other discretionary approval related to this project unless and until the environmental review process is completed in compliance with state and federal law.

"The Legislature should take no action on Bills of this nature until the full impacts of the project as a whole have been completely disclosed in adequate EISs."

Representative Wooley rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations. I just want to add one more note to the Representative from Kailua's comments. It's estimated that this is going to increase our rates by 25%. Thank you."

Representative Riviere rose to speak in opposition to the measure, stating:

"Thank you, I rise in opposition. Thank you. My concerns are the cost factors, the uncertainty, the risk that is quoted. I understand this project would be priced based on risk, yet the developers of the project would not in fact have risk because if the project is terminated before completion, the ratepayers of this island will make them whole. So the risk falls upon the ratepayers of this island, yet the developer charges at the risk. There's a disconnect there that I find seriously flawed.

"Also I'm not convinced that Hawaiian Electric is the most reliable organization in this State based on just looking at the recent power outages in a brand new subdivision. They couldn't deliver the electricity. So I'm concerned about rolling forward with this at this time for an interisland cable for windmills on islands where people have expressed that they're probably not happy to have the windmills. So I have concerns and I will be voting no."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Just very, very briefly. I wanted to counter the arguments that this has to do with a general versus a special law. Under Article XI, Section 5 that specifically limits the legislative power over lands owned by or under the control of the State or its political subdivisions. So the only reason that the Superferry was triggered was because we were dealing with lands owned by the State and that is not the issue that's before us here.

"This is a regulatory bill. This is what we actually would need to do if we're going to have an interisland cable. It's regulatory. It's not dealing with a land *per se* and therefore, I don't think the Superferry is applicable."

Representative Carroll rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. In support with reservations, and just a few comments. While I support the initiative that is taking place with our renewable energy, I'd like to also, as the Representative for Lanai, recognize and acknowledge my constituents who are concerned as well. Thank you."

Representative Ching 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. 1176, HD 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TRANSMISSION CABLE," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Pine, Riviere and Thielen voting no, and with Representative Morita being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 885) recommending that H.B. No. 1598, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1598, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CACAO INDUSTRY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Hanohano and Keith-Agaran voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 886) recommending that H.B. No. 285, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 285, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 888) recommending that H.B. No. 1277, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1277, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATEWIDE AGRICULTURE WATER DEVELOPMENT STUDY," passed Third Reading by a vote of 51 ayes.

At 3:27 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 952, HD 1
H.B. No. 953, HD 2
H.B. No. 566, HD 2
H.B. No. 1176, HD 3
H.B. No. 1598, HD 2
H.B. No. 285, HD 2
H.B. No. 1277, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 889) recommending that H.B. No. 123, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 123, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTRA-STATE AVIATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 892) recommending that H.B. No. 1090, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1090, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto 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. 1090, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 243, HAWAII REVISED STATUTES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 893) recommending that H.B. No. 1240, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1240, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RENTAL," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 894) recommending that H.B. No. 608, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 608, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 895) recommending that H.B. No. 614, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 614, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 896) recommending that H.B. No. 756, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 756, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Marumoto 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. 756, HD 3, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 903) recommending that H.B. No. 1203, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1203, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto 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. 1203, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," passed Third Reading by a vote of 51 ayes.

At 3:29 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 123, HD 2
H.B. No. 1090, HD 1
H.B. No. 1240, HD 2
H.B. No. 608, HD 3
H.B. No. 614, HD 2
H.B. No. 756, HD 3
H.B. No. 1203, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 905) recommending that H.B. No. 231, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 231, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I would like to ask to insert written comments. In strong support. Thank you."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I am rising in strong support of this measure. As your Chair of the Committee on Housing, this bill is necessary and prudent.

"Residents of public housing have voiced their strong support for this bill, as they are extremely concerned about the safety and well being of their families, and their neighbors.

"It is no secret that public housing areas attract illegal gang and drug activities. While we have made great strides, there still exists a lot of apprehension by the tenants about their public safety and well being.

"The safety concerns of the public should always be a priority.

"Allowing a safety protocol such as issuing visitors pass, will increase security and awareness in public housing units. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 231, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading by a vote of 50 ayes, with Representative Chong being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 908) recommending that H.B. No. 1326, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1326, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Nakashima rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, it is important that State policy reflect a goal and direction that guides State actions and determined the appropriate expenditure of State resources. The Hawaii State Plan embodied in Chapter 226 Hawaii Revised Statutes was a bold attempt to set these goals and directions for the State of Hawaii.

"This bill seeks to require the University of Hawaii Board of Regents to periodically review the priority guidelines for quality education and recommend amendments to the Hawaii State Plan for consideration by the Legislature to insure that the programs and initiatives of the State University are in concert with the policy direction of the State. In this process, the University will also be responsible for the development of a functional plan that includes strategic goals, outcomes, and performance indicators that would demonstrate the University's execution of the State Plan."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1326, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Chong being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 910) recommending that H.B. No. 1034, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1034, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I have reservations as well on this with a couple comments. What Stand. Com. Rep. No. 910 does is it basically funds Governor Abercrombie's commitment to change the health insurance or the benefits to 60/40. Basically having the State pay more for benefits. And this is while we are facing an \$800 million budget shortfall. I just believe

that this is premature at this time, Mr. Speaker. It's a great cause, but I think it's a little foolish to rush this before we finish the budget."

Representative Ching 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. 1034, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 50 ayes, with Representative Chong being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 911) recommending that H.B. No. 467, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 467, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," passed Third Reading by a vote of 50 ayes, with Representative Chong being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 913) recommending that H.B. No. 1041, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1041, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1041, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 50 ayes, with Representative Chong being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 914) recommending that H.B. No. 837, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 837, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Marumoto, Pine, Thielen and Ward voting no, and with Representative Chong being excused.

At 3:33 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 231, HD 2
H.B. No. 1326, HD 2
H.B. No. 1034, HD 1
H.B. No. 467, HD 2
H.B. No. 1041, HD 2
H.B. No. 837, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 915) recommending that H.B. No. 1038, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1038, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. On Stand. Com. Rep. No. 915. I'm in opposition to this bill because of the change of the retirement age for police officers and firefighters. Presently it's 25 years, and now that changes it to 55. Recognizing that police officers and fire fighters work at a very difficult job, they should be able to be retired after 25 years of service and not made to be forced to work until 55. Thank you."

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker. I wanted a ruling on a potential conflict, possibly for all of us. This bill does relate to all of our pensions because it includes us."

The Chair responded, stating:

"I believe as a class we are all not excused from voting on this. So we all have to take a vote."

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. 1038, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 916) recommending that H.B. No. 1051, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1051, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 917) recommending that H.B. No. 1411, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1411, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Riviere rose to speak in opposition to the measure, stating:

"I stand in opposition. There is a bill that we passed earlier today, I believe it was 879, and that contained the recommendations from the Mortgage Foreclosure Task Force that was convened, and it is generally accepted as the best solutions for the problems at hand facing us with mortgage foreclosures. This bill, HB 1411 incorporates other elements which I believe will have a real adverse effect in several ways and if I may address just a couple of them.

"There is one item where it requires physical presence in the State of Hawaii. That sounds like a great idea because the local banks did a reasonably good job as we went by, and there were some mainland banks that were not exactly doing a good job. There are good groups on the mainland however, such as USAA. They've submitted testimony that now they will be precluded from providing mortgage services. So limiting mortgage opportunities for residents of Hawaii is not a good thing especially when you've got good companies that will be excluded.

"There is a foreclosure moratorium. The Members may remember that I do not support moratoriums because they send shudders through the industry with the uncertainty that they bring.

"There is one element that was recognized as probably good and it is mediation. However, mediation without parameters on results can end up in endless, endless mediation, thereby creating more hardships.

"And we must remember that when we create uncertainty in the market we destroy market value. Homeowners will suffer by having market value uncertainty. If you live next door to three houses that are in a perpetual foreclosure, the value of your home will be sinking and will not stabilize until all of the uncertainties in your neighborhood get resolved.

"Then moving the items from non-judicial to judicial, that's enclosed in the 879 in a better way and there is the fear that, I think the Judiciary testified it will cost something like \$4 million or more, plus bog down the courts in about a year if everything were to just suddenly be pushed into judicial.

"So there are many, many issues with this bill that I think while the intentions are good, I just think there are too many problems with this bill to put it forward. If there are any elements such as mediation that require or warrant continuing, I will suggest that those decent elements be maybe amended in 879 as it goes along. And that's what I think. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. HB 1411 is a work in progress. We've got three objectives for HB 1411. The first is to have a vigorous ongoing mortgage loan system in the State of Hawaii.

"The second is to try to figure out how to deal with those people who have had some economic difficulties, to make sure that they have an opportunity to meet directly with a representative of the mortgagee. And we have dealt with that in a variety of issues. One being mediation and there is a time limit on the mediation of one month. We've talked to the State Mediator and what plan there is to find people who are familiar with banking and teach them mediation.

"And there are a lot of other protections in there. For example, we've had a problem with mortgagees on foreclosure advertising only in the local paper when they're going to do a foreclosure auction in Kona. And so we've dealt with that issue. There's been some concern about where the auctions take place. In some cases nobody knows where. We've specified where those auctions will take place.

"We are very cognizant of if you have an ability. If the mortgager has the ability with hard times to be able to service a mortgage at some level agreeable to the mortgagee. We want that to happen and that's what we're driving. If you have no intention of paying anything, we have no sympathy for you. So we've been trying to deal extensively with that issue.

"Our third objective is to make sure that we don't overburden the court system. I will say, Mr. Speaker, that we have met extensively, extensively with the mortgage brokers in the State of Hawaii, almost on a daily basis. The purpose of the moratorium was to get the attention of the offshore banks.

"We got their attention. They came down here. Bank of America met with every one of your offices. They went to 76 legislative offices in the State of Hawaii. I have met with them. Yesterday I met with two other mainland banks. We got their attention and what the Bank of America is going to do is, they're sending a swarm of mortgage people down here to deal with all of their mortgage loan problems on every island. They'll have people on every single island to deal face to face, with those people who are having problems.

"Is this bill perfect? No. We admit that it's still a work in progress. We said to the Finance Committee just please move it on. We have a lot more time to work on it. As I said, our intentions are clear. And as I said, we have met extensively, extensively with consumers and with the banking industry. We urge your support."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have the same ruling on a potential conflict that I raised earlier?" and the Chair ruled, "no conflict."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, very much. In strong support, again. First I'd like the words of the previous speaker adopted as if they were my own. And second is I would like to have all the Members look at what this bill is trying to do, and that's to fix the bifurcated system of Chapter 667 that has made a mockery of non-judicial foreclosures and has put homeowners at the most disadvantageous place I think, in the United States.

"This Body, this State has adopted a two track 667 system, Mr. Speaker, which allows the lender to unilaterally choose which track. And because of a poison pill in part two which contains the homeowner protections, the lenders choose part one, which provides no protection and also allows, Mr. Speaker, them to go after the homeowner in deficiency.

"The whole idea of non-judicial is that the lending institution gives up the right to not go after the personal assets of the family so they can rebuild their lives in exchange for using this system that takes it outside of the courts. They proverbially, can have their cake and eat it too.

"And with all due respect to my colleague from the North Shore, the system now is failing. The system now is driving down prices, Mr. Speaker. Just in the paper the other day, prices have depressed 11%. This situation is out of control.

"Not to mention in 667-34, Mr. Speaker, is a 30-day 'get out' clause which says that if you don't object to a non-judicial foreclosure within 30 days after it's concluded, it's presumed that the non-judicial foreclosure was completely done ethically and above law. If you have reasons of fraud or collusion or any of the things, you can no longer bring them, even though the statute of limitations for these kinds of actions is normally five years.

"A lot of the people who worked on this bill came from the lending institution, the real estate community and others. The system itself is broken. This bill seeks to fix the system so that the homeowners and the lenders have definite steps that if they are met then yes, as the speaker said from Kau, if that can't happen, then they will be allowed to non-judicially foreclose.

"But there's other things in this bill too. For instance having a central location of a non-judicial auction. That brings all the earnest buyers together in one place, Mr. Speaker, so that you can drive up the auction so that not only will the lender get the full value of the note, but there's a chance the homeowner might actually get equity out of it.

"That's the thing right now. There are no protections. If we want a strong mortgage market and to protect our homeowners, we can do this, but addressing that starts with 667, Mr. Speaker.

"Right now, Mr. Speaker, and I'll use my family as an example. Right now we have non-judicial foreclosures being issued by agents of these same entities foreclosing on people who don't even live on the property. They aren't on title, or aren't even on the note. Mr. Speaker, I've seen non-judicial foreclosures issued in the name of 'occupant'. How can occupant go to the court or how can occupant defend against that? Who is occupant? Who is occupant, Mr. Speaker? Nobody knows. You've got them foreclosing on occupant, on resident, on people who aren't even associated with the note or with the property itself.

"That's what the bill seeks to do. All the homeowners in the State of Hawaii want, Mr. Speaker, is to sit down face to face with one entity and just get a straight answer. Can we work something out or not?

"Let me use another example. You've got a homeowner paying the lender their monthly mortgage. They go ahead and they try to renegotiate their remodification with this lender and a third party comes in, Mr. Speaker, and forecloses.

"How is that fair to the homeowner? How does that create a system of fairness? Our capitalistic system, our economy is based upon good faith

and fairness. How can anybody negotiate if you've got third, fourth, fifth party entities coming in?

"What this bill seeks to do is to bind them all together with one voice and presence in the State of Hawaii so that the homeowner can simply sit down and say, can this work or not? And I think that this is a work in progress, but the overall aim isn't to destroy the mortgage market. It's not to scare away veritable lenders. It's to provide a system of fairness so both sides know that there are protections, there are steps, and if they are followed, then perhaps there can be a resolution.

"Because if our working people continue to lose their homes, continue to go through the stress of not getting a straight answer of these and third and fourth collateral foreclosures, Mr. Speaker, I've got files of information of stories that would break your heart."

Representative Choy rose to yield his time, and the Chair "so ordered."

Representative McKelvey continued, stating:

"That would break your heart, Mr. Speaker. The families are dealing with, and they're all the local people. Maybe it's because the local community has grown up with the idea of when you make an obligation, a note, that all you want to do is to be able to talk to that lender entity when times are tough to see if you can work things out.

"So Members, this is a work in progress, but the problem is real. And I invite you to walk through your districts because you will hear from other people too. This is a growing problem not only in the State of Hawaii, but nationally. And if we don't do something to address this Part 1 and Part 2 of Chapter 667, then what will happen is this will continue to go on, and on, and on, and erode any type of economic recovery. So again thank you, Mr. Speaker. And thank you Vice Chair, for your time."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, with support with some reservations. I would just like to say a couple of sentences. I really want to thank the Chair of CPC for taking the lead on this. It's a very complicated matter. But I also want to thank the Representative from North Shore. I think we should all heed his advice because he knows his business better than any of us. So as we move forward, I hope that we can all come together to accomplish the goals that the Representative from Maui was talking about. But we need to put all of our heads together to ensure we do this right."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. I appreciate the comments made by the Representative from Maui and I ask that his comments be entered into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I want the comments from the Representative from Kau, and also from Lahaina as my own in the Journal. And I wanted to just point out that I really came in this year to the Legislature knowing that if we didn't address mortgage foreclosures, we weren't doing our job.

"I know of three incidences, one that really disturbed me, when a woman told me that she went home one day and the new owners of her house were there at the front door saying, 'We bought your home on the court house steps in Hilo.' And she said, 'How can that be? I never got notified.' She had been calling and working with her bank.

"There was, I guess you call it, a new way of doing business with people and that is you call in. You get a person in Costa Rica, or the Philippines, or India, who would type in your loan number. It would pop up on a screen and they'd say, 'Okay why are you calling?' They would start down that process and they'd say, 'We'll get back to you in five days.' Five days would go by and then they would call two weeks later and, get a new

person on the phone. They would type in their number in the computer and they will tell them, 'Well this is what we saw you did. You contacted us, but we need to continue working.'

"And here's the bottom line of the conversation. They wanted to do loan modification and the people would say, can I make payments on my house even if they're partial payments. The answer was always given, no, because you're in loan modification. So they wouldn't make their payment. They'd call a month later and say, I want to make a payment because I'm getting nervous, and the answer would be, 'No. Because you're in loan modification.' So now four, five months go by and they'd call up and say, 'Well, what's my status?' and they said, 'Well we're foreclosing on you because you're behind in payments by x amount of thousands of dollars.'

"And so they would see me. I saw three people and they would just see me in the grocery store. One lost their house on the court house steps without even knowing. Of course they came to Honolulu and found some attorney. They went into lawsuit against the bank. But the other ones came to me in tears and I said, 'My best answer to you is call our US Senator Dan Inouye and tell his staff whose going to call the Bank of America or Wells Fargo and get to the president and say, What the heck's going on?' I actually found that was a little more successful because it did get some attention.

"But the thing is, we as legislators, and through our Representative from Kau who's taken the leadership, and I really thank him for this, we had to address this issue because it was harming way too many people and the miscommunication and the process was not working. And his bringing it to attention, getting their attention, is admirable and we cannot stop this Session without keeping their feet to the fire and addressing this issue. Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"Yes, another comment with reservations. Mr. Speaker, I'm almost shocked. I thought all these stories only related to the people in my district, so I'm proposing, Mr. Speaker, because of the seriousness of the fraud that's going on to the people of Hawaii, that the final bill be retroactive when it refers to when fraud has taken place, so our constituents who have already lost their homes because of fraud and mistakes by the banks, they should be compensated."

Representative Riviere rose to disclose a potential conflict of interest, stating:

"Thank you. Before I go further I would like a ruling on a potential conflict. I'm a mortgage broker and have been for 20 years," and the Chair ruled, "no conflict."

Representative Riviere rose to respond, stating:

"Thank you. I do wish to be clear, and I do appreciate the work that the Chair of CPC, the Representative from Kau has done, and the other Members of this Body. I am not saying that there is not a problem here. There is a problem, and it needs to be fixed. What I am trying to share is that we have unintended consequences if we are not careful.

"So my comments on this bill relate to things such as a clause that says that the lender upon foreclosing, the beginning of foreclosure process, the lender will be responsible for maintaining the property. That's crazy. I don't know why that's in there. I mean this is what I'm saying. There are elements in this bill that should not be there and we have to be very, very careful.

"So that's what I'm saying. It needs to be fixed. I'm glad we're working on this. This bill is obviously going to go forward, but again, let's try to stick to what was agreed upon in the Mortgage Task Force as they are the ones that have put the maximum amount of thought into this one. Thank you."

Representative Herkes rose to respond, stating:

"Thank you. We have met extensively with the Chair and Vice-Chair of the Mortgage Task Force. We passed their bill out. We wanted to keep the title alive. We've adopted portions of their recommendations that we saw were appropriate.

"And let me just say another couple of things. When the Mortgage Task Force recommendation came out that said on your option, you can go from non-judicial to judicial. What that did was, it spooked Bank of America to the point that they thought, 'My god, if we actually passed that and they can't go into non-judicial,' and they flooded the market saying how many homes in Hawaii they could foreclose on before we passed that recommendation of the Task Force.

"Then when there were certain things that happened to other homes like when we passed the moratorium, that also sent a strong message to Bank of America. Bank of America has 62,000 loans in the State of Hawaii. And what they did when they bought Countrywide, they bought a whole bunch of junk, bad loans, and now they're just trying to dump them. But we've gotten their attention so they understand that we're serious and they are going to try to work these loans out.

"And again, it's a work in progress as far as maintaining a structure. If you take over the structure and it's vacant, maintain it. Don't let a whole bunch of squatters go into the house. We're trying to deal with all of these issues. Thank you, Members."

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, I'd like to have the words of the Representatives from Kau and from Lahaina to be inserted into the Journal as my own. And just a few comments, Mr. Speaker. Yes, as my colleague from Waimea said, if we did not address this issue, we did not do our job.

"As a Representative who represents three islands, I have seen so much devastation because of the foreclosures. Some of it has been because of the consequences of our economy and what took place in losing their jobs. But some of them were mistakes on the financial institution's part where some of my constituent's neighbors were getting foreclosure notices and they weren't even in a foreclosure. Or their homes were getting auctioned and they weren't even in a foreclosure.

"But I think the main point of what our Chair of CPC was trying to do was to address the concerns that were brought forward, not just to the Legislature, but also to the department as we heard the complaints and heard the concerns about truly helping those who want to be helped. Who have done everything possible like our foreclosure attorneys who testified and said, 'We're there to answer the calls, and we're there to do the modification.' Well that's not true. And even the person who represented DCCA in testifying, he also felt that there were concerns.

"So some of the things that are in the bill are truly to address the things that are workable and reasonable so that we can actually keep some of our people in their homes. Yes, it's not a perfect system, but the whole point is that we are addressing the concerns that we can address and hopefully, this draws attention to what took place across the nation so that more things can be improved.

"But I think the last comment I also want to make is that we need to look at those who are part of this MERS that took place on Wall Street. We need to look at the taxes that were never paid or due to the State as well. So there are many different levels of concern regarding what took place across the nation. Mr. Speaker, if I may I'd like to have permission to insert comments as well, in the Journal. Thank you."

Representative Carroll's written remarks are as follows:

"I am in strong support of HB 1411 HD2 as it will amend Hawaii's current home foreclosure laws by repealing the old non-judicial foreclosure process, as contained in Part I of Chapter 667 of the Hawaii Revised Statutes, and clarifies the new process, strengthens laws regarding mortgage servicers, broadens the duties of the Center for Alternative Dispute Resolution, adopts several recommendations of the Mortgage

Foreclosure Task Force, implements a comprehensive foreclosure mediation program, and imposes a mandatory foreclosure moratorium.

"We all have been affected or know someone that has been affected by the predatory lending practices of the financial institutions on the mainland. Our local homeowners that were targeted and are now in foreclosures are suffering unnecessary confusion, frustration, depression, and anger. There has been a lack of direct communication and unwillingness on the part of the financial institutions to work out a remedy or solution to the foreclosure process that will benefit the mortgagee. I strongly feel that this legislation will persuade the industry to assess the situation and come to the table to find a viable solution, be it via mediation, loan modifications, negotiations, a forgiveness process, or other effort to help keep our families in their homes. This piece of legislation will help many of our constituents being faced with evictions until further transparency, clarification, and solutions can be achieved."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. I'd like to adopt the words of the Representatives from the districts of Maui and Kau as my own. Mr. Speaker, before I came here to spend most of my time as a legislator, I had the privilege of working as a Legal Aid attorney and I specialized in the area of consumer protection, and in that regard I had the opportunity to do a lot of workouts on foreclosure issues with many of the local and national banks.

"So I really appreciate the discussion going on here regarding mortgage foreclosures and the loss of one's home. Nothing can be more painful or tragic to a family, than to lose your home, your very abode of which most of us would be just torn if we were to lose it. So I feel a great deal of empathy with the folks that are going through this process right now.

"What I find so astounding is that anyone would stand here and defend the Bank of America. A friend of mine listening in just reminded me that Bank of America was one of the first private banks to receive \$45 billion in TARP funds. That's the Troubled Asset Relief Program. These are moneys that came from taxpayers.

"It was done back in 2008 by former President Bush as a way of holding off a further catastrophic demise of our economic system in America, and possibly the world. Many private banks took advantage of this. They took advantage of the ability to use public moneys, taxpayer's moneys to salvage themselves and keep them afloat for much of the last two years.

"There's been some repayment, but it's quite astounding, Mr. Speaker, that even with the public largess to backstop these banks, that they continue to move forward and plow under, and plow through, and bury over the same taxpayers whose dollars have allowed them to be here today. And I think this is really a moral question and I hope that we can work on this bill as a work in progress.

"But at the end of the day, if you need to choose between the consumers, your constituents, the homeowners and the banks on Wall Street who took advantage of the taxpayers, and for-profit institutions, corporations that have no allegiance to the community or the people, we've got to side with the people, Mr. Speaker. Thank you."

Representative Ward rose and stated:

"Mr. Speaker, just a point of clarification. The previous speaker implied that someone stood up and I didn't hear who it was who said that they were defending the Bank of America. I didn't hear anybody say that, and I wasn't sure what he was referring to. But if it was, it should be stricken. Thank you."

The Chair addressed Representative Ward, stating:

"Representative Ward, you are out of order at this point."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1411, HD 2, entitled: "A BILL

FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Riviere voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 920) recommending that H.B. No. 257, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 257, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 923) recommending that H.B. No. 809, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 809, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. I guess my question to my colleagues is, are we sure we want to do this? Do we want to raise the TAT tax? Unbeknownst to me, even though we think that it's thriving and business couldn't be better in Hawaii, if you look at what's going on in the mainland, this market has basically fallen out from the bottom.

"And I quote from an article from the *Dow Jones Newsletter*. It says the dirty secret of the timeshare industry is that anybody who buys one of them has been a victim of aggressive sales seminar. But the interesting thing is that the article ends by saying, what used to be the high pressure sales seminars are now, you go into the seminar and they'll tell you how lousy the timeshare market is and how your children will be burdened. And for the rest of your life you're going to be paying off the high maintenance fees. For a fee of \$3,000 they'll take it off your hands. In other words, it used to be selling seminars and now it's where they want you to dump it.

"Marriott has gotten out of the industry on the mainland. The mainland timeshare industry is basically dead. Ours fortunately, because of our beautiful location, is alive.

"But Mr. Speaker, I just want to caution Members that if this is the trend, and all of you know what dinosaurs are. When there's a trend in an industry like butcher shops, and the Blockbusters, the video guys, the Beta guys. When you see that they're dying, you don't jump on top of them and kick them. You don't jump on top of them with taxes like this.

"So even though it's reasonably robust now, I would caution saying that this is going to be a visitor industry killer if we keep pushing it. Thank you."

Representative Morikawa rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition of this measure. I know we need to find revenue streams, but after Hurricane Iniki the hotel industry on Kauai was devastated due to the severe damages suffered. The development of timeshare units enabled the tourism business to flourish, which in turn lead to the growth in business and employment.

"I truly believe that the longer stays by timeshare owners benefit the islands and I'm not willing to risk supporting this tax increase which in turn may lead to selling off of units. The spending to other businesses on the island will make up more tax benefits in the long run. Thank you."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I rise in opposition to this measure as well. When we're talking about a hotel room, and we're talking about a timeshare unit,

it's like comparing apples to oranges. Timeshares are fractional ownership so the folks that buy these units actually pay maintenance fees as was mentioned earlier, but they also pay property tax. So in essence, if we're going to pass this and we're going to now apply a tax that was originally intended for a hotel room and now apply it to a fractional ownership unit under the guise of resort timeshare, I believe is really unfair. Thank you."

Representative Pine 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 Committee was adopted and H.B. No. 809, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Brower, Ching, Fontaine, Marumoto, McKelvey, Morikawa, Pine and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 924) recommending that H.B. No. 526, 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 H.B. No. 526, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 925) recommending that H.B. No. 1308, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1308, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Third Reading by a vote of 51 ayes.

At 4:04 o'clock p.m. Representative Rhoads requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:05 o'clock p.m. with Vice Speaker Manahan presiding.

At 4:07 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1038, HD 2
H.B. No. 1051, HD 2
H.B. No. 1411, HD 2
H.B. No. 257, HD 2
H.B. No. 809, HD 2
H.B. No. 526, HD 1
H.B. No. 1308, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 928) recommending that H.B. No. 1551, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1551, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, can I have a ruling on a possible conflict? One of my law partners was retained to lobby on behalf of this bill after the introduction date," and the Chair ruled, "no conflict."

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. 1551, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 931) recommending that H.B. No. 613, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 613, HD 1, pass Third Reading, 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 Takai rose to disclose a potential conflict of interest, stating:

"Thank you. On Stand. Com. Rep. No. 931, briefly. May I request a ruling on a potential conflict? I broker health insurance," 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. 613, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 933) recommending that H.B. No. 845, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 845, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to have a ruling on a potential conflict. I'm an officer of a company that has leases on private property," and the Chair ruled, "no conflict."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"I would like to get a ruling on a possible conflict. I'm a lessee. I own residential properties that are on leased land," and the Chair ruled, "no conflict."

Representative Cabanilla continued to speak in support of the measure, stating:

"And in that respect I would like to speak in favor of the bill. Mr. Speaker, the majority of these residential properties are currently rented out as affordable rentals. It is estimated that by December 2012, approximately 18,000 residents will be displaced from these affordable rentals, as well as thousands more by the year 2018. It is presumed that once these rental units are surrendered to the lessor, they will become market rentals, or these residences will be demolished to make space for new buildings and all the current tenements will be displaced.

"Mr. Speaker, as your Chair of the Housing Committee I am very aware of the State's shortage of affordable rentals. I am very concerned that these displaced tenants will add to the growing problem of homelessness. We currently have over 7,000 unhoused homeless individuals in the State who are draining our limited State funding. Displacement of tenants from these leased lands will absolutely aggravate an already grave situation.

"I urge you, Mr. Speaker, and my colleagues to push this measure forward for further discussion and I hope that the landowners will come forward and become partners in finding solutions for increasing the supply of affordable housing and affordable rental units. Thank you, Mr. Speaker."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise in opposition. I have a compassionate heart. I understand that this is only applying to residential properties. But at the same token the whole notion of forcing a landowner to sell his property, I question whether that's even constitutional. I agree that we need to sit down with the landowners and try to work out some sort of compromise, but this in essence would be a vehicle for that. And I think that the private property owners need to be able to develop their property and use it as they see fit. I do not believe that the government should be stepping in and interfering with the process of private landownership. Thank you."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise with reservations on this particular bill. I do not believe property owners should have their property rights dictated to them or changed by government after they have purchased their property. However, I do recognize this bill's intent to try and help mitigate awkward situations that arise when lessees would like to extend their lease. I also have reservations about the amount of influence that an arbitrator would have if disputes were to arise."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose to speak in opposition to the measure, stating:

"I rise in opposition. This bill would force a landowner – and the key word here is landowner; the person who owns the land – to engage in renegotiating with the tenant within ten years of the expiration of the lease. While that can be positive and can provide some continuity and certainty for folks as their lease draws near, by contract, when a lease expires, it expires. If you have a tenant renting your house and the rent expires, you have a right to renegotiate that rent. It's called ownership.

This is a terrible bill. The idea again, is well intentioned, but the impact is terrible because it's going to force the landowner to negotiate with the person renting. And if they can't agree, then the landowner has to sell the land. Where's the fairness in that?

"And not to belabor the point, but I've got to stand up for what I believe in. I hope you can all appreciate that. This is not a good bill. I'm voting no."

Representative Hashem rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto 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. 845, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUND LEASES," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Fontaine, Har, Pine and Riviere voting no, and with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 934) recommending that H.B. No. 227, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 227, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition with a brief comment. Mr. Speaker, this is an anti-First Amendment bill and it holds publishers liable for what otherwise readers, heretofore were known as strangers."

At 4:13 o'clock p.m. Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvene at 4:14 o'clock p.m.

Representative Jordan rose to speak in support of the measure with reservations, stating:

"Yes, I'd like to vote with reservations, please. And a couple comments. I have concerns that this bill could impact traditional and customary practices as recognized in the State Constitution and reaffirmed by the PASH decision. Thank you."

Representative Hanohano rose in support of the measure with reservations and asked that the remarks of Representative Jordan 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. 227, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 935) recommending that H.B. No. 1230, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1230, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 937) recommending that H.B. No. 117, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 117, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you. On Stand. Com. Rep. No. 937, Mr. Speaker. With reservations and few comments. Thank you. The purpose of this special management area permit is to protect our coastal resources from potential impacts due to development.

"The bill was amended, but I don't think it was amended in a way in the Judiciary Committee that is really going to help preserve our special management areas, our coastal resources. The bill was amended to say, if you're building a residence that's 10,000 square feet or larger, then you're going to have to get an SMA permit. Well actually if you build a 5,000 square feet home on a coastal or beachfront area, it could be very damaging and that would be exempt from the SMA process.

"The other thing was that it's a little bit unclear if there is the dollar criteria that is still applying. And it really isn't so if you have a no dollar figure, then you have a decision maker that's going to have to determine whether or not there would be any substantial adverse impact even if the residences is going to cost \$50, \$75, or \$100,000. So that could lead to a lot of uncertainty and it could lead to some litigation.

"The better way was suggested by a person from Maui who had extensive experience with land use. I'm not sure if he was in the county government, but he said that we should make it a requirement that every beachfront or coastal front home has to have a SMA permit. And that makes a lot of sense when you stop to think of it.

"Because you could have a small residence perched up on a cliff overlooking the water, and that could have very damaging kinds of impacts to the water and to the coastal area by a relatively small-sized home that is not that costly. But if we really want to preserve our coastal resources, then every beach or oceanfront home should be required to have an SMA permit. That's the better way to go.

"So I'm hoping that as the bill moves forward to the Senate, I believe this gentleman will testify over there and I hope that our side will be receptive to the changes that would say, 'You build oceanfront, you build beachfront, you have to go through an SMA permit because we want to protect our coastal resources.' Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I'd also like to just note that this is one of the three bills that the Sierra Club opposes in its current form. And I think we can correct it on the Senate side, but I would hope that Members would show their reservations and read what the Sierra Club had said. Thank you."

Representative Marumoto 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. 117, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative M. Lee voting no, and with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 938) recommending that H.B. No. 548, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 548, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker. Stand. Com. Rep. No. 938 is the one that is the second bill relating to trespass that I should refer to. And hopefully the same language of being against the bill having it as anti-First Amendment. And the media's very concerned. If anything, it distracts from what we're doing in another bill that basically takes away the sunset on the media shield. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 548, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Belatti and Ward voting no, and with Representative Takumi being excused.

At 4:22 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1551, HD 2
H.B. No. 613, HD 1
H.B. No. 845, HD 2
H.B. No. 227, HD 2
H.B. No. 1230, HD 2
H.B. No. 117, HD 2
H.B. No. 548, HD 3

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 939) recommending that H.B. No. 56, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 56, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Har 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. 56, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 940) recommending that H.B. No. 1407, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1407, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise in opposition to this measure. One of the things as a legislator is it is our responsibility to protect the interest of third parties. Many women that put up their child for adoption do so with the understanding that their identities will be kept private and they will not be contacted.

"Aside from corrupting that understanding and requiring these women to reapply for their privacy every ten years is yet another deterrent to the practice of adoption. This bill jeopardizes the security and privacy of women who have decided not to have an abortion.

"Furthermore this bill subjects these women to extensive inconveniences and emotional discomfort by requiring that they relive the experience of giving up a child each subsequent time that they must reapply for their privacy. As the bill stands right now it's every ten years.

"It's a concern of mine that the new provision set forth in this bill may prevent some women from going the adoption route. They may feel forced

to take the abortion route because of the privacy issue. It's for these reasons, Mr. Speaker, that I respectfully oppose this measure. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I also rise in opposition to the measure with a very brief comment. Privacy is privacy. Privacy is privacy whether it's afforded to those who choose to adopt-out their child, or should be afforded to those who choose to abort the child. It's a matter of parity of privacy. It's as simple as that. Thank you."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Real quick, I was in opposition to this bill in the form it arrived in, in Judiciary. However, I'm going with reservations because I believe that the Judiciary Chair has worked hard to address the concerns of those in opposition. So I'm still with reservations, but I think we need to allow him to continue his work with the groups that were opposed to this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1407, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Fontaine, Har, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 942) recommending that H.B. No. 1141, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1141, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Riviere voting no.

At 4:26 o'clock p.m. Representative Chong requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:26 o'clock p.m.

At 4:27 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 56, HD 2
H.B. No. 1407, HD 1
H.B. No. 1141, HD 2

THIRD READING

H.B. No. 1637, HD 1:

Representative B. Oshiro moved that H.B. No. 1637, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Brower rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Mr. Speaker, the Hawaii State tree is the candlenut tree, *Aleurites Moluccana*, also known as the *kukui* tree. To my recollection, Hawaii is the only state with a State tree that isn't native to its environment. The *kukui*'s origins are hard to trace, but it is likely native to Malaysia and parts of Polynesia, but not the Aloha State. We should re-think the *kukui* tree as our State Heritage Tree.

"Prior to statehood, the official tree of the territory of Hawaii, was the *Cocos Nucifera* a member of the palm family also known as the coconut tree. The *Cocos Nucifera* was never given the chance to serve as our State's true symbol as a tropical destination. This bill should be about the coconut tree. Or better yet, a better choice for the native tree would be the *Acacia Koa*, a species of flowering tree in the pea family, endemic to the Hawaiian Islands, where it is the second most common tree. Its name in the Hawaiian language, *koa*, means brave, bold, fearless, or warrior.

"The *koa*'s trunk was used by ancient Hawaiians to build *wa'a*, outrigger canoes and *papa he'e nalu*, surfboards. *Koa* is also a tone-wood often used in the construction of *ukulele* and acoustic guitars. The *Acacia Koa* is the largest native tree to Hawaii, known to be a premier timber, and one of the most expensive in the world.

"Summarizing, Mr. Speaker. I am in reservations with the *kukui* tree, *Aleurites Moluccana* as the State Heritage Tree and the *Ohia Lehua*, *Metrosideros Polymorpha* as the State Tree. Thank you."

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I first just want to clarify that the *ohia* is the most common native endemic tree, and the *kukui* is controversial. It's not clear whether it was introduced or if it was indigenous, but it is not endemic, which means it's found in other places.

"The coconut tree originated either in India, Indonesia, or Egypt. It is not clear which, but it was brought to the Hawaiian Island. I suggest that if the former speaker is concerned about the coconut tree, then maybe we can adopt something to reflect the tree that was imported for food. And may I please insert written comments. Thank you, Mr. Speaker."

Representative Wooley's written remarks are as follows:

"I am happy to support this bill and very impressed to see the Representative from Waimanalo work so hard to pass a bill that his community asked for. This bill, if it becomes law, will have only positive educational benefits for locals and tourists alike. Hawaii's unique trees should always be revered and recognized, for their ecological and historical contributions to the people of Hawaii. This simple bill will promote the proper appreciation for the *'ohia lehua* and *kukui* trees. Mahalo to the Representative from Waimanalo for all his work."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. In support with some reservations. While I find it personally disconcerting that we are discussing a tree on the House Floor, I do want to support the bill because obviously this was very important to somebody in this Body. I just wanted to note for the Members that while the Member of Waikiki's family is technically not all native to the State of Hawaii, we do welcome him with open arms as a local boy and a native today."

Representative Brower rose to disclose a potential conflict of interest, stating:

"'Ae, Ho'malu 'Olelo, reservations, kane Speaker. 'A 'ala ke koa maoli ... koa tree ono kanaka maoli, kukui tree malihini. Representative, malama, Lanikai, hapa-haole, pake, lolo mahalo."

Representative Brower provided the following translation:

With reservations, Mr. Speaker. Smells good, *koa*, native born, *koa* tree native, *kukui* tree foreigner. Representative from Lanikai is without color and well intentioned.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Actually I had not thought about surmising on this measure, but in support. I thought I would just lend my own opinion. The *kukui* nut I guess, may not perhaps be, if it's controversially said indigenous to Hawaii, but the *kukui* nut has symbolized enlightenment.

"Enlightenment to our *alii* because of the candle nut's nature, it provides light and so it provides something very important in fact. It is my understanding that years ago, when I served a Member of this Body, that the *kukui* nut was oftentimes revered by people of chiefly status to remind them of who they served, the heavens, to do righteousness. And I know Price Kuhio was famous for his *kukui* nut. It became something that was famous. If you go ahead to the Queen Emma Summer Palace, you'll see some really beautiful *kukui* nut lei.

"And *ohia lehua*. Now that has a wonderful myth to it as well, symbolizing of course the love and devotion to people. So those are values of enlightenment and love, and I think those are wonderful, but of course that being said, although I am, I'd like to think I'm a *kamaaina*, I defer this to the Hawaiian Caucus. I'm sure that they have the best input of what it means to them.

"But I would like to hope that when we think of things that represent our people, that we want to take the highest and best use. To me it's never really been so much whether somebody, it's the meaning of what it stands for. The symbolism for our children that we want to tell them something by what we choose as our tree. Thank you."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I have a potential conflict. I'm growing a couple of *kukui* trees in my yard," and the Chair ruled, "no conflict."

Representative McKelvey continued to speak in support of the measure, stating:

"Thank you, very much. In that case, I am in strong support and would like words of the speaker from Liliha entered into the record as if they were my own. 'Olelo Hawaii."

Representative C. Lee rose to speak in support of the measure, stating:

"In support. I'm almost not sure of what to say, but we have a budget to balance so perhaps we can move on."

The motion was put to vote by the Chair and carried, and H.B. No. 1637, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TREE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Har voting no.

H.B. No. 319, HD 1:

Representative B. Oshiro moved that H.B. No. 319, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, can I request a ruling on a potential conflict? At my law firm I represent contractors, as well as owner-builders," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Third Reading by a vote of 51 ayes.

H.B. No. 468, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 468, HD 1, entitled: "A BILL FOR AN ACT

RELATING TO COUNTY ETHICS COMMISSIONS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Har voting no.

At 4:36 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1637, HD 1
H.B. No. 319, HD 1
H.B. No. 468, HD 1

H.B. No. 141, HD 1:

Representative B. Oshiro moved that H.B. No. 141, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson 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 H.B. No. 141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Har, McKelvey and Pine voting no.

H.B. No. 108, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 108, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 51 ayes.

H.B. No. 1112, HD 1:

Representative B. Oshiro moved that H.B. No. 1112, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so

The motion was put to vote by the Chair and carried, and H.B. No. 1112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Har voting no.

H.B. No. 242, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 242, HD 1, entitled: "A BILL FOR AN ACT

RELATING TO PROMOTING PROSTITUTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 1244, HD 1:

Representative B. Oshiro moved that H.B. No. 1244, HD 1, pass Third Reading, 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."

The motion was put to vote by the Chair and carried, and H.B. No. 1244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLEMNIZATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 1155, HD 1:

Representative B. Oshiro moved that H.B. No. 1155, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I'm in opposition to this measure. I'd like to thank the Judiciary Chair for putting back some of the more heinous crimes in the repeat offender status like electronic enticement of a child. This bill still leaves out other crimes that should also be included, mainly: robbery, unauthorized control of propelled motor vehicle, burglary, and property crimes that were left out.

"In my dealings as a police officer over the last 25 years, this is a stop-gap to the revolving door of people who go out, offend, go in, come back out, re-offend, and it's a constant cycle. It's a real pain for our local law enforcement having to deal with these individuals, and at some point we just need to lock them up and get them out of our society for a while so that we can help them, try to rehabilitate them, and change their career-criminal path. So I'd like to have you consider this while we're considering this measure. Thank you."

Representative Pine rose in opposition to the measure and asked that the remarks of Representative Fontaine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching 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 H.B. No. 1155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Fontaine, Har, Pine, Thielen and Ward voting no.

At 4:42 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 141, HD 1
H.B. No. 108, HD 1
H.B. No. 1112, HD 1
H.B. No. 242, HD 1
H.B. No. 1244, HD 1
H.B. No. 1155, HD 1

H.B. No. 805:

Representative B. Oshiro moved that H.B. No. 805, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, brief comments in opposition, please. Mr. Speaker, I've long contended that Hawaii has lived off of its good looks for too long and we've got to start using our brains. This is a bill that encourages Hawaii to use its brain through the high-technology industry. But yet it's a

discouragement because we're going to take away the incentives by taking away the tax credit. Thank you."

Representative Choy rose to speak in support of the measure, stating:

"On HB 805, Stand. Com. Rep. No. 655, I'm in strong support of this bill. This is a remnant of the Act 221 experience. We can no longer afford this credit so it's timely that we get rid of it right now. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. The Department of Taxation supports the repeal of this generous exemption for qualified high-technology businesses. Businesses that are profitable and can pay dividends should also be responsible for paying tax on those profits.

"In addition, the Department points out that the definition of a qualified high-technology business that would apply, does not require that these businesses have any percentage of their activities in Hawaii. In other words, they could be foreign or out of state. The revenue impact of this bill is approximately \$2.5 million. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 805, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Ching, Thielen and Ward voting no.

H.B. No. 793:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 793, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ward voting no.

H.B. No. 1252, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1252, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT FACILITIES," passed Third Reading by a vote of 51 ayes.

H.B. No. 1626, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAXES," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ching, Choy, Har, Johanson, Nakashima, Pine and Riviere voting no.

H.B. No. 562, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 562, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE MONEYS," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ching, Johanson, Pine and Riviere voting no.

H.B. No. 794, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 794, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Brower, Ching, Fontaine, Hashem, Marumoto, Nishimoto, Pine, Riviere, Thielen and Ward voting no.

At 4:44 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:48 o'clock p.m.

At 4:51 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 805
H.B. No. 793
H.B. No. 1252, HD 1
H.B. No. 1626, HD 1
H.B. No. 562, HD 1
H.B. No. 794, HD 1

H.B. No. 808, HD 1:

Representative B. Oshiro moved that H.B. No. 808, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to cast a no vote and say a few words. Thank you. Yes, it's another of the three measures that Sierra Club is opposing. And they have very good reasons for doing this. The Land Conservation Fund preserves our pristine environmentally sensitive lands.

"There's not a huge amount of money in that Fund so it's not really going to help the general fund that much by putting that money there, but what it does do is it would allow us in a time when real estate is somewhat in a depressed state, we could be able to acquire some of these sensitive lands. We're not at the height like we were at other times. We're at a time when some landowners would be willing to sell at a reduced rate. So the money should stay in that Fund so we can acquire those lands. Thank you."

Representative Nakashima rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, I have grave concerns regarding the temporary suspension of the Conveyance Tax to the Land Conservation Fund. This Fund allows for the purchase and preservation of valuable and significant property throughout the State and represents a small investment in the future preservation of these valuable land resources."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morita rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti 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 H.B. No. 808, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Brower, Ching, C. Lee, Riviere, Takumi, Thielen and Wooley voting no.

H.B. No. 840, HD 1:

Representative B. Oshiro moved that H.B. No. 840, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like a ruling on a potential conflict. I'm an importer of wine," and the Chair ruled, "no conflict."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition and just a few comments. Mr. Speaker, what this bill does is it increases the liquor rate by 20%. It reduces the liquor tax rate on the first 60,000 barrels produced in a small brewery, but many of the breweries said that the increase of the liquor tax by 20% would more than hurt their business.

"Mr. Speaker, I don't drink that much, but I do know that our top income part of our economy is the tourism industry. And within the tourism industry you have many hotels, and you have many restaurants and bars. And part of the tourism industry takes part in drinking alcohol. People are on vacation and they want to have a beer or two. But a lot of people that are coming here are like many other places around the world and especially in America. They still want to go on vacations, but they have less money to spend. And we are so grateful that they're still coming here, but they're spending less.

"What this would do in my opinion is it would hurt the tourism industry. Sure they'll pay the extra 20% tax, but that means they now have less money to mainly go down the street to the ABC Store, or even go to a restaurant and instead they might go to a Foodland and buy their beer there instead of at the restaurant. And that would then lower the sales of the restaurant. That would mean that the restaurant will have to lay off workers. And so there is a big trickle effect that will happen with this increase of this tax."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I would like to rise in opposition to this measure. As I've stated on other measures before us today, I recognize the fiscal situation our State is in and I understand it our duty as legislators to look for solutions to reduce our budget gap. However, this particular tax will disproportionately affect many of our local businesses, including restaurants and establishments that are a critical sector of our tourism industry. I also worry that we establish negative precedents for our economy in general by targeting specific industries for tax increases.

"As Hawaii seeks to achieve not only economic recovery, but also economic growth, we must be careful not to pursue tax increases that compromise those ends."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On the same measure, I stand in support. I would like to have the Members look at the increases that the Finance Committee did. For instance, on per wine gallon on draft beer, it goes from 53 cents, to 54 cents. One penny. And from 92 cents, to 93 cents per wine gallon on beer. So I think the Finance Committee did a good job on trying to balance the concerns of the industry with the deficit situation.

"Also I would like to note that by including Part II which is adopted from Alaska and 15 other states, we're providing our local companies with the ability to be able to produce, grow, and expand and become price competitive with mainland imports.

"So again, this is one of the many measures that we're moving forward to address the budget deficit situation, but I think what the Finance Committee did was to be very prudent with the increases. And by keeping Part II, they are going to support our local industry so they can be competitive with mainland imports. Thank you, very much."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I would like the words from the Representative from Lahaina as my own. And I also note that this could end up definitely being price competitive because there are a lot of different brands of alcohol, different ranges of prices. I think that people that want to drink, maybe they'll buy a cheaper brand. But maybe in the end, they will make it competitive. I do not believe this will stop people from buying alcohol when they're on vacation. Thank you."

Representative Choy rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. The interesting thing about industry trends, and this is in support and rebuttal too. Tourism trends are, when we had our COR briefing, the economists were so proud that the trend in tourism which is showing a great increase right now, was predicted in 2007. So they predicted our downfall, and they predicted our upturn.

"Now you know if in 2008 and 2009 we raised the TAT. That increase in TAT had nothing to do with the tourism trend. I believe this increase in liquor taxes with have no effect on tourism. Thank you."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you. I just wanted to rise in support very briefly and follow up with comments from the Representative from Maui. There are a lot of exaggerated numbers that have been floating around regarding this bill in Finance Committee. We heard testimony that the \$3.00 increase on a gallon of wine would lead retailers to increase the same gallon by \$97, which is a bit ridiculous and cannot really be substantiated. So read the bill and focus on the facts. Thank you, very much."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Just a brief historical note. It's widely known that during the depression in the '30s the two businesses that thrived were taverns and movie theaters. Taverns because people wanted to drown their sorrows. I mean, it's already ten bucks for a glass of wine in Waikiki. What is this going to do? It's not that the people are sad in Waikiki, but there are people who are sad who've lost their jobs in Hawaii. And I'm not saying we're going to repeat what was in the '30s, but the point is this is not a time for those who are down, to jump on top of them. That's the point. Thank you."

Representative Pine rose to respond, stating:

"Yes, just in rebuttal, Mr. Speaker. Because I did read the bill very thoroughly and I have been analyzing our tourism numbers. I do analyze a lot of pieces of legislation and their effects when we do raise taxes. And many economists will say that when you do raise taxes, people will spend less on a particular product because they only have so much disposable income to spend. That is a given fact.

"If I make \$10 a day, you can increase all the taxes you want. But I can only spend \$10 a day. You're just sticking it to me a little more, and taking more for yourself. I don't believe there's any economist that will say that raising taxes on any parts of the tourism industry is not going to have an effect on jobs, especially if people are spending less and then restaurants will have to lay off people. This tax does affect them, Mr. Speaker."

Representative M. Lee rose 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 840 HD1 regarding liquor. The purpose of this bill is to increase liquor tax rates, and reduce the liquor tax rate on the first sixty thousand barrels produced in a small brewer or brewpub.

"The tax on alcoholic beverages is part of a plan to balance the budget which is reasonable and serves a dual purpose of decreasing consumption in some areas, as well as producing revenue. The Finance Committee

amended the original bill by increasing the various liquor tax rates, and by changing the proposed increase on various liquor taxes from 50% to 20%.

"This will be an important addition to our efforts to restore some vital government functions."

The motion was put to vote by the Chair and carried, and H.B. No. 840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Brower, Fontaine, Johanson, Marumoto, Pine and Ward voting no.

H.B. No. 564, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 564, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Third Reading by a vote of 51 ayes.

H.B. No. 795, HD 1:

Representative B. Oshiro moved that H.B. No. 795, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I'm opposed to this measure. I can speak for Maui County. We rely on the Transient Accommodations Tax to fund all of our special services and projects and I'm sure that's the case in the other counties as well. I think that if there is additional tax that is taken, that those counties should be able to enjoy that additional funding to be able to bring back some of the services that have been cut back.

"Our only other option is to start raising property taxes in my county and that would be devastating for the people who live there. So I'm opposed to this. Thank you."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I stand in support but I do have reservations. The reason why I'm standing with reservations and I'm not opposed to this is because this is not a raid, and I will fight tooth and nail to oppose a raid. However, I think this is a fair compromise to move the discussion forward on capping the TAT distribution at 2010 levels, and then any excess would go back to the State.

"The issues the counties have had with a raid, besides what the Representative from South Maui has talked about, the biggest reason is it blows a hole in their own budget-making process. If by capping it at 2010 levels they know how much money they have, then that gives them the ability to move forward on their budget.

"I'll wait to see how this progresses. However I think one of the unintended possible beneficial consequences of this measure is this would incentivize Hawaii Tourism Authority to market the Neighbor Islands more aggressively so they can increase the TAT income to the Neighbor Islands which will then in turn help the State as far as marketing goes and other issues. Thank you, very much."

The motion was put to vote by the Chair and carried, and H.B. No. 795, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Belatti, Fontaine and Pine voting no.

H.B. No. 1267, HD 1:

Representative B. Oshiro moved that H.B. No. 1267, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you. I'm rising to speak against the bill, Mr. Speaker. This bill will take the Tobacco Settlement Funds away from tobacco prevention. I'm not sure and I would think Members would be aware, but maybe they aren't, that in the last decade because of using these settlement funds for tobacco prevention, that we've had a 50% reduction in teen smoking. That's huge. That's just huge and it's a dramatic figure. It means that the teens are more healthy and they aren't addicted to tobacco products.

"The other thing is that we have one of the lowest adult smoking rates in the nation. Those are things of which to be proud. What we are fighting is a big tobacco industry though, and they spend about \$42 million a year in Hawaii trying to get our kids to smoke and trying to get adults to smoke.

"So if we don't have the tobacco prevention money in there working to go against that tobacco industry, we're going to really fall back and you're going to see youngsters smoking again and adults getting hooked on it too. Thank you."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict. At my law firm I do legal work for the Coalition for Tobacco Free Hawaii," and the Chair ruled, "no conflict."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takai rose in opposition to 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 rise in opposition to this measure. The intent of this bill is to divert funds currently targeted for tobacco prevention, control and cessation programs to cover Medicaid costs to the State. The end result, however, would be a likely increase in Medicaid costs to the State due to increases in tobacco-related illnesses and lost productivity.

"It would, in effect, be mortgaging the future health of the State and leaving taxpayers to cover future tobacco-related costs (which now total over a half-billion dollars per year) instead of remaining committed to reducing those costs.

"It would also likely result in burdening Hawaii taxpayers by further subsidizing the profits of the tobacco industry. The limited funds that the State currently invests in health, and in preventing unhealthy lifestyles, pay off in enormous returns in savings to the State.

"According to a study done by Penn State last year, the annual direct costs to Hawaii's economy attributable to smoking alone are estimated to be in excess of \$1.1 billion, including workplace productivity losses of \$215 million, premature death losses of \$449 million, and direct medical expenditures of \$444 million.

"The Centers for Disease Prevention and Control estimates that in Hawaii, 62% of those on Medicaid smoke. Tobacco still remains Hawai'i still has over 150,000 adult smokers throughout the State.

"And more than 1,000 Hawai'i youth become daily smokers each year. Smoking costs us an estimated \$336 million dollars per year in smoking-related health care costs, \$117 million of which is attributed to Medicaid.

"This is despite the enormous progress the State's tobacco prevention, control and cessation programs have made since the inception of the special fund in reducing teen smoking by half to less than 10%, and reducing adult smoking from approximately 25% to approximately 15%.

"Unfortunately, even if proposed funding cuts to these prevention programs were to be eventually restored when the economy improves, it would take years to restore the infrastructure of programs that have been created to address these vital health issues.

"Tobacco use remains the leading preventable cause of death in our State and in the country, and a leading risk factor for heart disease and stroke.

"The U.S. Centers for Disease Control (CDC) recommends that Hawaii needs to invest a minimum of \$15.2 million each year to fund a fully effective, comprehensive tobacco control program.

"The most that Hawaii has invested since the Tobacco Prevention and Control Trust Fund was established was approximately \$8 million.

With the passage of the bill to create the Tobacco Fund in 1999, this Body made the decision to save lives, save money and improve overall public health. The bill would have a positive impact on every resident of Hawaii, especially our children.

At the time, Hawaii was poised to become one of only five states to make a commitment to fund tobacco prevention programs beyond a minimal level, placing itself on the map as one of the National's leaders in terms of public health and education.

Representative Takai, House Journal 1999

"At the same time, according to the Federal Trade Commission, the tobacco companies spend approximately \$42 million each year toward marketing and advertising their deadly products in Hawaii to addict another generation of nicotine users.

"Allocations to the Tobacco Prevention and Control Trust Fund were halved from 25% of annual Tobacco Settlement Funds received by Hawaii to only 12% in 2001 following the 9/11 attacks to pay for construction of the new University of Hawaii medical school.

"At that time, the intent was to build the medical school and then return any moneys in excess of that needed for the construction to the Tobacco Settlement Fund, with the returned funds being allocated 80% to the "rainy day fund" and 20% to the "Tobacco Prevention Fund."

"Since then, allocations to the Trust Fund were cut in half again so that currently only 6% of the Settlement Funds actually fund tobacco prevention, cessation and control programs.

"The Tobacco Fund was never designed to be used as an emergency and budget reserve fund. I would like to remind this Body of the words of Health Chair Alex Santiago back in 1999 regarding the creation of the Tobacco Fund:

Mr. Speaker, if all goes as planned, someday when we look back on all the issues and measures I have had the privilege of being involved with, this measure, I believe, will be one of those I will remember as being significant and very important with the resulting efforts to many individuals. I want to thank you Mr. Speaker, for giving me this opportunity to manage and be involved with this measure.

Representative Santiago, House Journal 1999

"The structure of the Master Settlement Agreement payments from the tobacco industry to the State is based on national smoking rates.

"As smokers die, and tobacco-control efforts continue to successfully wean current tobacco users off their addiction and prevent new smokers

from starting, payments from the industry to the State will drop, thus making those payments an unstable source of operating income for the state.

"Tobacco settlement funds should be used to help those who are affected directly by tobacco addiction and tobacco industry marketing. The work of tobacco-dependence treatment and prevention programs is not over. Thank you."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Lee rose 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 1267 regarding health care. This bill, as amended, redirects for 2 fiscal years the portion of Tobacco Settlement Fund monies from the Emergency and Budget Reserve Fund and the Tobacco Prevention and Control Trust Fund to the General Fund.

"It also transfers \$25 million from the Tobacco Prevention and Control Trust Fund to the General Fund.

"Through these actions proper funding of costs associated with Medicaid and other health services will be accomplished. The bill also provides funds for healthcare infrastructure (on line medical records) and preschool open doors, court substance abuse programs, matching funds for the Federal disproportionate share and funds for Kupuna Care.

"Although the Tobacco funds are being transferred, and there are concerns related to untraditional uses, our financial situation requires flexibility. \$30 million remains in the coffers of the Hawaii Community Foundation and these monies would be well used if directed towards prevention programs."

Representative Chong rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Chong's written remarks are as follows:

"Mr. Speaker, I stand in support. This bill helps to ensure core services such as Medicaid, education, *kupuna* care, State hospitals and other programs. I agree that the tobacco programs presently funded are important. This bill does end those programs. It ensures that we can keep our core health and human service programs. Mahalo."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1267, House Draft 1, Relating to Health Care.

"This bill appropriates funds to ensure the continuance of vital health programs and core services to meet the needs of the public. This bill also assists the Legislature's efforts to balance the budget by making targeted appropriations to redirect into the general fund.

"I support the intent and purpose of the bill as a critical optimization of funds. During these times of economic hardship, the ability to maintain core programs while being fiscally far-sighted calls for creative thinking and problem-solving; this bill does both.

"Based on projected distribution of funds from the Hawaii Tobacco Master Settlement Agreement, this bill will redirect an estimated \$20.2M into the general fund for FY12 & FY13. This bill further assists our efforts by appropriating \$25M of the Hawaii Tobacco Prevention & Control Trust Fund to be deposited to the credit of the general fund. Such shifts are critical as we stare down a \$988M budget deficit.

"Though we face tough economic times, we must lead the State of Hawaii toward a successful future, and to do so is to focus on the most essential sectors and services affecting our people. I appreciate this opportunity to expound on the ways this bill supports core services in the areas of health, education, higher education, and human services.

"Over the years, Hawaii's healthcare costs have ascended to unfathomable levels. As a result, hospitals with high Medicaid levels and high charity care suffer significant financial losses. This year, Hawaii Health Systems Corporation reported that Medicaid/QUEST payments to its member hospitals on average cover only 59% of the care and services delivered, which thus translated to an approximate loss of \$47.1M in fiscal year 2010. Other hospitals have reported similarly significant losses.

"To meet major healthcare needs, this bill temporarily repurposes \$10M of the Hawaii Tobacco Settlement Special Fund to address rising Medicaid costs. This bill also supports the efforts of Hawaii Health Systems Corporation and its member hospitals with \$5M of the Tobacco Trust Fund dedicated to covering comprehensive healthcare costs. By providing these new funding options, the State of Hawaii proves its dedication to addressing health disparities statewide and maintaining access to care for our populations of greatest need.

"The impact of this bill is further bolstered by making a critical appropriation to match and release the federal disproportionate share hospital allowance allocated to the State. Without this matching appropriation, the State will miss an opportunity to garner federal funding needed to provide health care to our people.

"This bill also supports Hawaii's current and future health needs by maintaining the appropriation made for the John A. Burns School of Medicine. In addition to addressing Hawaii's current shortage of 644 physicians and a projected shortage of 1,200 physicians, this bill also gives credence to the importance of higher education and professional training in our islands.

"Furthering this bill's impact on our education system is a general revenue appropriation made for the Preschool Open Doors Program, which prepares students for Kindergarten by teaching social and cognitive skills. With priority given to high-need children not enrolled by the DOE for preschool, this program is an essential launch pad for life.

"Mr. Speaker, the Department of Human Services has the honorable task of providing core services and programs to our people. This bill will assist the Department's efforts by appropriating funds for the revitalization and implementation of important systems, including an electronic health records program. In this digital age, these systematic changes are critical for the efficacy of the Department.

"Lastly, this bill appropriates funding for Kupuna Care, a program which provides our kupuna various services needed to remain in the community and to live a dignified life. With a substantial aging population, it behooves us to fund Kupuna Care not only for the sake of taking care of our elderly, but for the estimated \$1.4B of medical costs saved due to the program.

"Mr. Speaker, as your Finance Chair, I understand that these dynamic fiscal shifts may be unpalatable to special interest groups and organizations focused on the acquisition of funding to fulfill just that: special interests. I send a gentle reminder that our most important interest must always be with the people of Hawaii.

"For these aforementioned reasons, I stand in support of this measure."

The motion was put to vote by the Chair and carried, and H.B. No. 1267, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Rhoads, Takai, Takumi and Thielen voting no.

At 5:09 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 808, HD 1

H.B. No. 840, HD 1
H.B. No. 564, HD 1
H.B. No. 795, HD 1
H.B. No. 1267, HD 1

H.B. No. 1270, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1270, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 575, HD 1:

Representative B. Oshiro moved that H.B. No. 575, HD 1, pass Third Reading, seconded by Representative Evans.

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 H.B. No. 575, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Souki voting no.

H.B. No. 853, HD 1:

Representative B. Oshiro moved that H.B. No. 853, 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 consternation and reservations. This bill has come a long way. It has gone from being a state bank with our Governor as the chairman of the board and with his political appointees as the board of directors, where now it is a task force and I'm very pleased that it has changed. And I should admit I've come a long way because I voted no with reservations in the Finance Committee, and I'm speaking now with just reservations.

"The problem I have with the bill is that first, our brothers in North Dakota, that is our role model who 99 years ago set up a state bank, and now we 99 years later we see that as something we can emulate. But, Mr. Speaker, as I indicated earlier, let's look at the track record.

"How have we done as an entrepreneurial state? We have 13 hospitals which we run. We are the CEO. We are the ones who run this. And Mr. Speaker, as we all know, we lose about \$50 million a year. I mentioned earlier the Aloha Tower, which is in deep trouble. HCDC I don't think, is a cash cow.

"So what makes us think that we will be able to, number one get into this, and then again make any money? And I know that's the reasons why we have a task force. But I would ask this Body to remember that even though it's getting late, that earlier today we had a bill. It was HB No. 1284 and the Chair of Finance said the exact reason why we need a state bank is because of the agricultural loans. That was exactly the reason why the Chairman of Agriculture came to the Finance Committee and said we have farmers who need money, and that's why we passed the bill earlier to give more money, less expensive and more, without barriers for our farmers.

"So Mr. Speaker, I would ask the Committees as this goes along to remember, it's all about farmers. And to remember, I don't see any shortage of banks here. I don't see any shortage of loans here. I do see a shortage of farmers and that maybe more of the problem than trying to get into the state banking business.

"So for those following reasons, and out of respect of my colleague who heads the Finance Committee and does a very good job, I hope he will see my comments as iron sharpens iron. Iron sharpens iron, as his criticism of

me and then my of him will make this hopefully, a better bill. And in the end it will not put us in the banking business. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. With strong reservations. I don't believe the State of Hawaii is in a financial position to have its own bank. We need to take care of our own basic needs first before we look to going into banking. Thank you, very much."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. I think the idea behind this task force is to do our due diligence to explore the possibilities that might be available in setting up a bank similar to the Bank of North Dakota. It's been around for about 100 years. And the genesis of that bank was to address the needs of the local small businesses when they could not receive financing from the East Coast bankers or robber barons of those days.

"In North Dakota, all the state funds, as well as the funds administered by the state and county agencies are deposited with the Bank of North Dakota, thus creating a large deposit base. In addition to paying competitive interest rates, the state treasurer, the Bank of North Dakota, also invests its money in loan programs to spur economic development within the state.

"The Bank of North Dakota also regularly returns over a portion of its profits to the state general funds. There are no shareholders. The shareholders in fact are the taxpayers of the State of North Dakota, and we'll do a similar thing in Hawaii.

"Over the past decade the bank has turned over approximately one third of a billion dollars to the state general fund. And despite the recent financial crisis that affected all of the nationalized banks, the Bank of North Dakota earned record profits in 2008 with net earnings of approximately \$57 million.

"Rather than competing with private banks, the Bank of North Dakota has in fact created partnerships with over 100 other local banks. The Legislature should look at this as an economic development tool to provide gap financing for community development, housing, or industry, whether it's in the farming area or in the high-tech area. This can go a long way. I have some further comments, Mr. Speaker. I ask for permission to insert them into the Journal. Thank you."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill No. 853, House Draft 1, relating to the bank of the State of Hawaii.

"This bill would create a two-year task force on establishing the bank of the State of Hawaii. This task force would examine the issue of a state-owned bank, looking at the model of the Bank of North Dakota, a nearly 100-year old state-owned bank.

"The Bank of North Dakota was founded in 1919 with \$2 million in capital. Today, the bank operates with more than \$270 million in capital, while regularly turning over a portion of its profits to the state general fund. Over the past decade, the bank has turned over approximately one-third of \$1 billion to the state general fund, and despite the recent financial crisis, the bank earned record profits in 2008, with net earnings of approximately \$57 million. With the help of the Bank of North Dakota, the State of North Dakota not only survived the recession—it is currently one of the only states in the nation that is operating with a surplus, rather than a deficit.

"The impressive track record of the Bank of North Dakota has not gone unnoticed in an America still struggling with the after-effects of the recession. No fewer than seven states across the country, including Hawaii, have introduced legislation to explore the question of state banks.

"The economic recession afforded us a look at the way our banking and economic work and how much they need our attention and support. Our farmers and small businesses, as well as our new and growing industries such as high technology, are still struggling during this gradual recovery. We, as a body, have an obligation to find a way to try to prevent this level of negative impact on our community in the future or at least mitigate the damage from any future recessions.

"As such, we must begin to look for other avenues to grow our economy. We must be willing to examine proven models from other communities that have helped to stabilize and protect their economies. We must be willing to look at how progressive ideas like a state-owned bank can promote agriculture, education, community development, economic development, housing, and industry.

"This House Bill No. 853, House Draft 1, creates the task force on establishing the bank of the State of Hawaii. This uncompensated task force consists of ten individuals from a wide range of sectors, both public and private, to get input from the Legislature, the Administration, the Hawaii State Association of Counties, the banking and financial institutions, and the credit unions. Getting information from all sides is imperative to furthering this discussion, so that everyone can better understand the wide range of concerns and suggestions with regard to this idea.

"This task force will review, evaluate, and create an implementation plan for the bank of the State of Hawaii. However, this plan will not be created or implemented without us doing our due diligence. This task force will fully investigate the model of the Bank of North Dakota and will look at the feasibility of a state-owned bank for Hawaii. In addition, this task force will look closely at what the short and long-term impacts of a state-owned bank on job creation and the State revenue. This task force will also look at the details of the how a state-owned bank in Hawaii would be run, including looking at the standards this bank would need to meet.

"This two-year task force will provide a close and thorough look at what a state-owned bank can do for Hawaii and how we can best implement a fiscally responsible and economically sound state-owned bank. This task force will provide a deliberate and careful study of the issue at hand because we want to be sure that we are taking the best steps for the fiscal and economic health of our State.

"We must do everything we can to grow our State and protect it. As such, we must be willing to at least discuss and study new ideas as we find them. There is no danger in a study—a study is, rather, a responsible way to begin a discussion about a new idea. Let us take this opportunity to open the door for continued discussion about state-owned banks and growing our economy in new and innovative ways.

"Thank you, Mr. Speaker, for this opportunity to insert written comments."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. May I have the words of the previous speaker, the Chair of Finance entered into the record as if they were my own? And here's the thing, if I may give a little anecdotal story.

"Earlier this Session, along with the Senate, we had a working group, an informal one established, to look at business initiatives. Among the attendees was the Chamber of Commerce and all of their members. At the first meeting, the first thing that all of them wanted was us to look at bringing back the DBEDT Capital Loan Program for small business. So I asked them what was the impetus of the members asking for this and what they said was, 'We cannot get loans right now from the banking institutions, period. There's no place for us to go.'

"So I support this bill because I think it's worthy to have a task force look at North Dakota to see if we can create a bank that will work in cooperation with our local banks. And North Dakota Bank has actually been called a banker's bank because they work with the local banks.

"But there might be many situations, if this task force does its due diligence, where in the future a local institution may not feel comfortable lending to a small business, but perhaps the State Bank of Hawaii would be. And they would work with the local banks to try and make this possible. Because at the end of the day, they might be in a better position to extend these loans to this small business than perhaps a commercial bank would be willing to take.

"So I think that alone warrants us and this task force just to look at this, to see if this is something we can develop. Because the business community, and we have a bill like this moving forward for the Small Business Capital Loan Program to bring it back, is clamoring for us to look at some ways to provide alternate means of financing for businesses that just aren't, for some reason, making the cut when it comes to trying to get financing from institutions. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, with respect to the Finance Chair, I also will be voting in opposition to this. A capital loan program and an entire bank are two different things. Mr. Speaker, by all of our actions today, we said very loudly and clearly that we can't balance our budget on the money that is coming in to us. So what do we do to balance our budget? We tax people more. We raise their fees. Then we raided funds that were suppose to go to other things. Therefore, Mr. Speaker, I do not believe we have the capability as a government to now have a bank.

"Business is very different from government. Businesses, they have to balance their books or they go out of business. Banks are businesses. For us to have a bank through government, we have to prove that we could run ourselves like a business or else we will run ourselves into the ground.

"I would wholeheartedly support a bank, a task force, anything of that nature if we can prove that we can actually balance our own budget the way banks do."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Considering the record of the banks over the last couple of years, I would say the banks don't know how to run banks either. And they generally come to us to bail them out after they've wasted all their own money. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, still with reservations. A brief retort and I think for full disclosure for the Finance Chair, and now the Labor Chair, guess what? The bank model of North Dakota has no FDIC insurance base. The feds don't touch these banks so who guarantees that the bank works? We do. Taxpayers. You think taxpayers want to give us the risk to do that? I don't think so. So that's up to \$250,000 that the FDIC insures individual accounts.

"Secondly, related to the gentleman from Maui saying, 'Hey we've run out of money. We can't get out money.' He cites one of the worst loan programs that ever existed in the State of Hawaii, the DBEDT loan program. You talk to anybody about how successful that was. Why did we basically pull the plug on it, or choke it and let it die slowly over the last two decades or last 15 years? Because it was cumbersome. It was government run. It was for boats, and then it was this, and that, and depending on who politically was up at the head of the government and what they wanted to do with those programs. It changed back, left, right, front and center. So the citation of North Dakota and DBEDT is a rather dismal one.

"And thirdly, the SBA, the Small Business Administration, they have a loan program that has given out billions of dollars to the small business of the State of Hawaii. Thank you, Mr. Speaker. I used to be one of their consultants to do business plans for them. Billions of dollars. And let's face it. We have gone cyclically from a very loose and easy capital, loose and easy loans, to where now it's very hard and very long to get small business loans. But there's no shortage of money. It's a matter of going through this

cycle which in a matter of months, by the time the task force finishes, the SBA will be up and running with all the banks which basically processes that in the private sector.

"The point is the private sector knows how to do this. They know how to do it better. And what we as the political class if you will, should stay out of it. And quite frankly when the gentleman said that the banks didn't know what they were doing, it's because we said from the political pulpit that we want everybody to own homes and you guys make sure it happens.

"So we cooked and then we pushed the playing field in a little bit different direction. We are as culpable of that crisis that took place in 2008. Liar loans, and all of those things that we've talked about which now we're going to do with foreclosures because we said we want everybody to own a home regardless of their income. Let them lie. Let this stuff go through. And we didn't monitor it.

"So it's coming back to bite us just the way a lot of these bills today that we have passed. And this is one of those. But again, I say with reservations and hopefully iron will sharpen iron, and this will come out as a good tool. Thank you."

Representative Pine rose to respond, stating:

"Yes, just in rebuttal to my favorite Representative from Chinatown. I actually agree with him. Those banks that government bailed out can't balance their budget. And you know what? Government should never have bailed them out because it proved that they shouldn't be in business. Instead what our congressional leaders did was they sold out our future so that China can own us, because they do. We took out loans to bail businesses out that should no longer be in business."

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I rise with reservations. It's reservations because it is only a task force at this point, but just to kind of dovetail on the remarks that the Representative of Hawaii Kai made. You know, one of the reasons why the banks would be happy with this is because if the State stepped in, we would assume the risk. One of the reasons why banks don't give loans to certain businesses is because of the risk factor. For example, starting a restaurant is an extremely risky proposition. Many of them fail for example. If the State stepped in and bankrolled and assumed that risk so the bank could then make that loan and partner with them, it could have devastating effects, trickle down devastating effects in terms of us buying in, as a government, into risky loans. So that's why I'm in reservations. Thank you."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in strong support and I'd like to adopt the words from the Chair of Finance, the Chair of Labor, and the Chair of Economic Revitalization as if they were my own. Thank you, Mr. Speaker."

Representative Souki rose to disclose a potential conflict of interest, stating:

"Again, with reservations, Mr. Speaker. But first, I want to disclose that I'm a Director of the Federal Land Bank and I ask for a ruling on a potential conflict of interest. I need to disclose that," and the Chair ruled, "no conflict."

Representative Souki continued, stating:

"Thank you, very much. And I can understand the frustration you have with banks. Certainly they have not had a good track record as my good friend, the Chair of Labor has said. And so there's some justification for looking into the possibility of a state bank. This a task force to look into the feasibility, and not just going to begin a bank.

"But I just want to give these words of caution. I'm not a banker, but I've been for over 15 years a member of the Board of Directors of Land Bank,

and I know how difficult it is to run a bank under federal regulations. There is every available regulation that you can think of. And I know how difficult it is to make loans and to pay the salaries and to come out with a surplus at the end of the year. It's not an easy job.

"And so with this, I put up this caution to the members of the commission. I know the Chairman of Finance is looking very rosy at this, and I hope it won't kill all my programs by speaking against him. Thank you, very much."

Representative Tsuji rose to speak in support of the measure, stating:

"Mr. Speaker, in support. This measure calls for, not approval or endorsement of a commercial bank, or a state bank here in Hawaii. It's saying that we should enlist a task force and I am sure that a task force would do all the due diligence, like any other applicant going for a commercial bank and going through the process. And that's how banks throughout the nation and even the State of Hawaii started. They look for public good and convenience, adequate capital, and what area can you serve in the community. And how you can serve the community. This is one of the areas I am very sensitive in.

"Three Sessions or so ago, I was elected to the State Legislature. And when I got into the Committee on Agriculture, I approached the Hawaii Banker's Association. I told them that we are going into an economic demise, I told the official also, that agriculture is in a state of rebound. But they cannot do it without help. They cannot do it without capital and they cannot do it with the financial institutions in Hawaii. Will you sit down with us here at the Legislature or have an informational briefing with the Committee on Agricultural, and they refused to.

"But going on and fast forward a couple of years later. Today, when a bank goes for an application, or any type of business, they will look for character, collateral, and the conditions of the community. Also for public good and convenience. And that's what all the banks here and financial institutions in the State of Hawaii do. Not haphazardly. One gentleman stated I believe about making high risk or risk loans, we'll take into consideration character, collateral, condition, and other factors.

"What this bill also states if I remember correctly, that any excess funds will go into the State coffers or the State general fund. But in short and in close, this starts out with a task force and I support that. Thank you, very much."

Representative M. Lee rose to speak in support of the measure, stating:

"I'm standing in support. I just think it's interesting that the Bank of North Dakota, the State Bank of North Dakota has contributed \$300 million to the economy of that state in the last decade. So that's pretty impressive.

"We're not the only state that is looking at the concept of a state bank. In fact Wisconsin is looking at it, and several western states. So I think anything we can look at that might increase our State's economic activity is a good thing. And I'll add some written comments to that. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 853 regarding the Bank of the State of Hawaii. The purpose of this bill is to establish a task force to review, investigate, and study the feasibility and cost of establishing the Bank of the State of Hawaii.

"The creation of a State Bank would have some beneficial effects on the State's economy by making credit more available in the State, would add stability to the State banking industry particularly in times of recession, and could do this in a revenue positive way. A public bank would not be beholden to the profit-based agendas of private banks, thereby permitting the Bank of the State of Hawaii to leverage capital on a fractional basis without consideration for shareholder earnings or market expectations. The Bank of the State of Hawaii would be able to better engage in long-term planning based on available deposits and revenue forecasts.

"The Bank of North Dakota has been in existence for many years and during the past decade has directed more than \$300 million dollars back into the economy of the state. Although primarily functioning in agricultural loans, the bank's success has been noticed by several other states, including Wisconsin, Washington, and Oregon.

"In the times of austerity, we need to consider every possibility for economic advancement, and the proposed task force on a State Bank is just one option. I urge the Members' support."

Representative Keith-Agaran rose to speak in support of the measure, stating:

"Mr. Speaker, in support. And just briefly. It sounds from the discussion that we're having that a task force is completely appropriate to tell us whether this is a losing proposition or, Mr. Speaker, winning."

Representative McKelvey rose to respond, stating:

"Thank you, Mr. Speaker. Still in support and just a brief rebuttal to my good friend from Hawaii Kai. If he is so concerned with taxpayers being obligated under a financial system like this, then I would think that he would be voting against every special purpose revenue bond that is on the agenda today. Thank you"

The motion was put to vote by the Chair and carried, and H.B. No. 853, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BANK OF THE STATE OF HAWAII," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Ching, Marumoto and Pine voting no.

H.B. No. 799, HD 1:

Representative B. Oshiro moved that H.B. No. 799, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, can I request a ruling on a potential conflict, please? I represent subcontractors in my private sector life," and the Chair ruled, "no conflict."

Representative Har then asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, 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."

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker, this Body has an insatiable appetite for giving tax exemptions and tax credits to various special interest groups. Most of these tax preferences are given without thought to the reason and required results of the preference. Let's face it; most of these preferences are just political pandering at its worst.

"The questions that must be asked are: Are we really helping these businesses? Are we really helping the people of Hawaii? For example, some of these exemptions are said to lower the cost of living in Hawaii, but how can we be sure that savings from these exemption are really being passed on to the consumer. How can a mere four percent reduction in the cost of airline fuel result in a reduced ticket price. It doesn't.

"Now, we have come to a time when we are giving away a billion dollars in tax credits and tax exemptions annually. That equals two full percentage points of the general excise tax. What would be more beneficial to the people of Hawaii: the perceived benefits promised by these companies who get the credits or a two percent General Excise Tax?"

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise with reservations on this bill. I would otherwise object to suspending some of the specific tax exemptions highlighted in this bill. However, I believe that the temporary suspension of these exemptions are preferable to completely unpalatable measures such as raising the general excise tax in order to fulfill our constitutionally-mandated duty of balancing our State budget. I appreciate the end date of 2015 added to the text of this bill.

"Although I have significant reservations about this particular measure, I do believe it is less regressive and broad-based than an across-the-board tax increase that would place significant burden on all of our constituents."

Representative Souki rose to disclose a potential conflict of interest, stating:

"Maybe I should ask for a ruling on a potential conflict of interest. I'm a Neighbor Islander," and the Chair ruled, "no conflict."

Representative Souki continued to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I wish to speak with reservations. I do understand that we need the funds to balance the budget so of course I am not voting no on this, and we'll watch how it plays out in the end. But the big concern I have, the fact is that Hawaiian Airlines is going to be on this plan here which is going to cost them approximately, they're going to lose approximately \$52 or \$53 million for the biennium. And with the cost of fuel going up, and I know how expensive travel is right now for the Neighbor Islanders. If you think this is expensive, just wait a little while.

"So I would hope that in the course of the Conference when they're going through this, that there might be other areas maybe you can look at. I won't get into that now, but you certainly should look at this area again very cautiously because it's going to be affecting a lot of people. And not only the airlines, but other businesses. Thank you."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I understand some of the concerns that have been brought up regarding this bill. However, this bill is clearly part of our financial plan to ensure core services.

"But secondly and just as important is this issue is about fairness. And while the speaker from Maui has talked about the concern for, as one example, Hawaiian Airlines, you could look at it as instead of a \$52 million hit, that we've been giving them a \$52 million worth of tax credits each year. And that many businesses both big and small presently pay the general excise tax. They are not on the exemption list. They don't get a thousand dollars, or tens of millions of dollars in exemptions. And I think this bill is important as I stated, for both revenue and fairness. Thank you."

Representative Hashem rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Lee rose 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 799 HD1 regarding taxation. The purpose of this bill is to temporarily suspend the exemptions from the general excise tax for certain persons and certain amounts of gross income or proceeds.

"Some corporations and organizations have had the luxury of a tax exempt status for years, while other small businesses do not have this benefit and have struggled to find ways to make ends meet in this challenging economy. This is neither fair nor justifiable. Therefore, the existing exemptions for a number of corporations and organizations will be subject to a graduated assessment rate for the general excise tax and use taxes. The rates will be as follows:

2% from January 1, 2012 to December 31, 2012
3% from January 1, 2013 to December 31, 2012; and
4% from January 1, 2014 to December 31, 2014

"The relatively large amount of revenue gained from this measure constitutes a substantial portion of the House Financial Plan for the next 2 years.

"Fairness is the issue here, and it is time for everyone to pitch in to help out our state in its time of need."

Representative M. Oshiro rose to speak in support of the measure, stating:

"I rise in support. Just a couple of points, Mr. Speaker. Number one, this measure temporarily suspends the exemption from the general excise tax and use tax for certain amounts of gross income of proceeds, and requires that these amounts be assessed a rate of 2% from January 1st, 2012 to December 31st, 2012. Then 3% from January 1, 2013 to December 31st, 2013. And 4% from January 1st, 2014 to June 30, 2015.

"The Department of Taxation estimates the revenue gain at \$55.7 million for fiscal year 2012, and \$162.8 million for fiscal year 2013. And finally, Mr. Speaker, the measure sunsets on June 30, 2015. Thank you."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, thank you. I rise with reservations. Actually I was going to vote no, but after the Finance Chair mentioned some things, I'm going to stay with reservations for now. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 799, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Ward voting no.

H.B. No. 306, HD 1:

Representative B. Oshiro moved that H.B. No. 306, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Jordan rose to speak in support of the measure with reservations, stating:

"With reservations and a comment, please. My reservation is with Section 8 of the bill which will repeal the tax credits for resident taxpayers. I believe this could be considered unconstitutional under double taxation. I

also believe it could be disproportionate for military filers also. Thank you."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations. I understand that many of the measures outlined in this bill were made with our State's fiscal state in mind and in a good faith effort to clarify existing tax laws and computation methods. However, I do have concerns with some of these taxes in general, mainly the amended estate tax."

Representative Chong rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Chong's written remarks are as follows:

"Mr. Speaker, I am in support. This bill seeks to address the shortfall in the section of the foreign tax credit. The issue is to look at whether or not some filers are claiming both the credit and taking the itemized deduction, and thereby double dipping. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fontaine, Pine and Ward voting no.

At 5:37 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1270, HD 1
H.B. No. 575, HD 1
H.B. No. 853, HD 1
H.B. No. 799, HD 1
H.B. No. 306, HD 1

H.B. No. 1092, HD 1:

Representative B. Oshiro moved that H.B. No. 1092, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ichiyama rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with strong reservations. I understand that this measure is a part of the Governor's package in addressing our \$800,000,000 shortfall over the next two years, but I also feel it is an additional burden on our senior population. The House proposal did raise the threshold levels, for example from \$75,000 to \$200,000 AGI filing jointly, but I am still concerned that these amounts are too low.

"One of the fundamental principles of taxation policy is the balanced treatment of different types of income. I acknowledge the need to include pension income in some form of tax scheme as a matter of evenhandedness, as other types of retirement income like 401(k)s are currently taxed. I would suggest, however, that in these difficult economic times we consider raising the thresholds so that fewer families will be impacted. Thank you for the opportunity to speak with strong reservations."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am opposed to this bill regarding taxing pensions.

"When I spoke on this measure a couple weeks ago, my comment was that this bill in its original form, and the \$37,500 threshold at which it proposed to begin the tax was too low, almost cruel. At the time, I was referencing the low threshold, and one of my concerns with this bill as currently drafted is that while the threshold is now higher, \$100,000, it opens the door to taxing the pensions of those with lower AGI in the future. It could slip down to \$75,000, or \$50,000, or lower before the end of this Session or in future Sessions.

"The fact is that this bill will tax our seniors, those on fixed income, those with less opportunity to adjust to our rapidly rising cost of living. Barbara Stanton of the American Association of Retired Persons said it best in this Sunday's *Star-Advertiser* when she said that this, 'came as a shock to Hawaii's seniors whose fixed incomes are no match for rising costs.' According to her, the consumer price index shows a 70 percent increase for Honolulu over the past 20 years. With costs continuing to rise, it is unfair to take from those who were promised tax-free pensions decades ago.

"Mrs. Stanton's article also raised some important legal concerns that this Body should be well-aware of before it moves forward with this bill. First, she points out, federal law prohibits taxing pension income of nonresidents living in Hawaii. Secondly, the Hawaii Constitution states that accrued benefits of retirees in the State retirement system shall not be diminished or impaired. These are potential legal problems that would diminish the gains this bill claims to generate.

"In conclusion Mr. Speaker, I strongly oppose this measure even though the federal Adjusted Gross Income is high, \$100,000, because of its potential legal flaws. But even more than that, because I find the thought of targeting our unsuspecting seniors almost cruel. I vote no on this measure. Mahalo."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I also rise in opposition as my colleague. And to quote the ranking Representative from Kaimuki-Kahala, the bill in its original form was almost cruel. Now it's almost not almost cruel, but it's there. And she cited the AARP Executive Director. I will only paraphrase what the Executive Director is saying of AARP. Leave us alone. Look what you just did with the Highway Fund and these other funds. We don't trust you to leave our pensions alone. Once you get on the threshold and the slope begins, as my colleague just said, they're entrapped.

"So, Mr. Speaker, I think the bottom line is we are on dangerous territory. We know who votes the most, who reads all of our brochures, and who really is probably the most people, if 'Olelo is still on, probably the most people watching us today are those people who are retired and on a pension.

"And lest we forget they worked hard all their life. They're there because they planned to be there. Whether their income is high or whether their income is low, they deserve to enjoy the Sunday night of their lives. What we're doing is saying, 'C'mon guys. It's equity. It's only fair.' And we can use all the superlatives to explain and to justify, but what we're doing is almost cruel and we've got to stay away from it. Thank you."

Representative Choy rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. The last Tax Review Commission that was chaired by a rather handsome guy said that pensions should all be taxed equally. About three other Tax Review Commissions prior to that also said the same thing. Mr. Speaker, it's an equality issue. When speakers say that all retirees' pensions are taxed, the majority of the pensions today are taxed because they don't have employer-sponsored plans.

"Let's face it. The pensions that we're talking about are going to be for public workers unions, and probably the military. Everybody else, people like me who work for private companies, our pensions are taxed. So it's

really an equality issue. It shouldn't be surprising to anybody because measures like this have hit this House before.

"The other thing is the only objection that I really think is valid is that we shouldn't surprise people. You know, we shouldn't tax pensions tomorrow and I think the Finance Committee did a wonderful job by putting these very, very high limits. It's really rather brilliant. For single taxpayers it's \$100,000; for married, it's \$200,000. It eliminates most of the employer-sponsored pension plans right now. In fact, it only affects about 3,000 taxpayers and these are taxpayers in very, very, very high incomes.

"Now because we set the limit so high, one day with inflation all pensions will be taxed. But that date will be 15 to 20 years in the future and I believe that's enough warning for anybody. Thank you, Mr. Speaker."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I stand in opposition to this. I would like to enter the words from the Representative of Kahala as my own, and offer a couple of additional comments. I'm a retiree. I need to disclose that. And when I joined the police department in 1980, I made \$1,138 a month, gross. But when I signed on to the police department, I was told that if I did good service and I remained in service for 25 years, that I would get certain benefits. So I was working at a level of pretty much poverty at the time.

"And over the years, there became more equity and the benefits changed as time went on. I believe in 1988, the benefits were adjusted to accommodate the better wages that police officers and others were making. But one of the things that was promised to me was that when I retired, that I would be able to enjoy my retirement tax free from the State. As many other people in the State, for workers, for teachers and everyone, that's what it was. And so that's how I planned my future.

"And as a result I did retire. I was able to retire early age and be involved in business and other things. And so to say that when people retire that they're not going to go out and look for other income and those kinds of things where they may reach this threshold is disingenuous.

"And to say that retirees will have 15 to 20 years to plan is not fair either. Because somebody at that point in their life they may be 80, 85, 90 years old, and they may not be able to adjust when that happens. Many of them may not be able to go back to work to take that into account.

"So I think we really need to take a hard look at this and ask what are the unintended consequences. Who are we actually going after? Are we just going to say, 'Well it's okay because it's the rich retirees and everybody else is safe.' Now that's not fair either. It's like we'll take from the rich and pay for the bills, and that's not correct. Thank you for the time to allow me to put these comments in."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I just wanted to point out that this is a very, very limited approach that has been taken. It's only 0.7% of all tax filers. It is actually only about 5% to 6% of all of those who do have a pension income, and so it is the people who have \$200,000 in a joint filing, or \$100,000 as a single. So we are talking about those that do have the wherewithal probably to pay some level of tax on their income for this pension.

"But there was also a question raised by the Representative from Kahala regarding the legality and whether there is any question. For that I would cite to our Hawaii State Constitution, Article VI, Section 1, which is our constitutional provision that says the power of taxation shall never be surrendered, suspended, or contracted away. And there's a specific case called the Tax Appeal of Director of Taxation vs. Medical Underwriters of California, 115 Haw 180 1997 case that actually held by the Hawaii Supreme Court that yes, this is a sovereign power that isn't subject to the doctrine of a stopple and so therefore, because we have this clear

unabridged power of taxation, this question about whether we can do something with the impairment clause probably does not apply.

"There is a case that happened in Oregon called the Hughes case which did find that it may be a breach of the impairment clause. However in that Oregon case, Oregon does not have a specific prohibition against contracting away the taxation power in their constitution like we do in our Hawaii Supreme Court.

"The additional cases are also one found in Georgia, Parish vs. the ERS System of Georgia. There are New Mexico and Montana cases, Piaz vs. State of New Mexico, Sheehy vs. Public Employees Retirement Division in Montana, and both of these also found that taxation of pensions is probably okay.

"And so I think the legal questions that are presented are not really what's at issue. I think ultimately what is at issue is how are we going to address our budgetary deficit. We took a look at what the Administration has proposed. We found that to be a little bit too harsh and so we ended up limiting it in terms of its affect and application, and ultimately that is the approach that has been taken with a large, large, large majority of all of the revenue enhancement bills that have been passed out of this Body and are going up for further consideration.

"We're trying to do this in the most limited approach possible. We're trying to make sure that we don't have any broad-based tax impact because we do realize that this is still yet somewhat a fragile economy. But nonetheless, we still must balance our budget.

"Nonetheless, we still must pay for the teachers to make sure that we don't have furloughs anymore. We must pay for education so our children can continue to get educated. We must pay for Medicaid so we can make sure that those that most need health services can get them. And so I don't know how else we're going to do it if we don't have some of these revenue enhancement bills.

"Because right now as I understand our budget, we're not going with any enhancements. We're not trying to add anything. We're keeping it as barebones as possible. And unless or until anybody can propose where to find some additional cuts, at this point I think our approach is a very sound one and one that we need to take into serious consideration. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I do appreciate the fact that it's been ameliorated. The bill has not been passed out the way it was initially. I appreciate that. There's been sensitivity to the idea that there were some people who were in very low-income brackets.

"But when I go back to my district, I think that the best description I can give you is that my people are demoralized on this issue. Because what they I think have the most problem with is that while they know that their stocks might go down, they know prices may go up, inflation, gas prices, this we all have. There are things that are out of balance and you have to do what you have to do. But what they tell me is that it was a promise made. It was a promise made, a promise kept, your word. So when they went through their lives, they were calculating out that they would have the pension and so they behaved in such a way. They made choices in such a way as to arrange their budgets thinking they that would have this with everything else in flux. And so the people that I talked to, that's their biggest concern.

"They realize there's a recession. They realize there's a budget shortfall. They realize that we have to do things, but they're demoralized that government seems like it broke its word to them. And I think that is something important. That is something where we, by when we are leaders, it's good to give our people hope and to make sure that they believe in us because it's through that belief that we have the power, that we have to do good things. So with that, I'm unfortunately still in opposition. Thank you."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I stand in support, but I do have reservations. I do want to acknowledge the words of our Majority Leader, and especially in the way the bill came in, and what the Finance Committee did to really narrow the scope and address it, as well as the fact that even with these and all these other measures, the Finance Committee I was told, cut an extra \$200 million this Saturday. That's in addition to the \$2 billion of cuts that have happened over the last two years.

"However, my concerns revolve around two things. One, it's still using the federal AGI. And second, I dispute the fact that the previous Tax Commission Chair is a handsome guy. Thank you, very much."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise in opposition to this measure, which I believe would adversely impact our seniors. While I note the efforts my colleagues have made to change thresholds and minimize the impact of this measure, I believe it sets a detrimental precedent for our seniors, one of our most vulnerable populations who can least weather changes to their financial picture.

"Although this version of the legislation sets much higher thresholds than the Governor's original proposal, it still opens the door to future legislation to tax pensions with lower thresholds. I also believe that many people have planned their retirement to Hawaii for more reasons than our island's natural beauty, including many of my retired military constituents. I want to encourage people to choose Hawaii as their home.

"I strongly believe that the State of Hawaii needs to maintain a policy of not taxing the pensions of our elderly."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I wanted to make some comments about some previous speakers talking about promises made and promises kept, and talking about the public sector who started 25 or 30 years ago, and they were made a promise.

"Well I can tell you from my own story from the private sector viewpoint working for AT&T. When you're young, you think at the age, and for me it was 16 when I started, that at 16 the promises that I was told were going to be kept. Well I've got to tell you that when I was 32 years of age, they undid everything I thought they were going to do through collective bargaining. They changed the whole pension plan and they took away all of my years before the age of 21 which were being applied to my pension. And I'm thinking, 'What the heck's going on here?'"

"But I've got to tell, we've got to tell young people that are entering the world of employment that what you see today isn't possibly going to look the same 30 to 40 years from now when they get to retirement age. And we all know that people are living to be a hundred, so we all know that pensions between now and 30, and 40 years from now, they are not going to look the same as they do today. And so for these people, yes it's frustrating to think they started 30 years ago and thought maybe they were going to do something.

"But you know, I learned something a long time ago. There's no such thing as security and you've got to plan for yourself. And that's what this is all about. You know people have to plan for their retirement, and their pensions, and their future. They can't be so dependent and assume what we have today is going to be the same 30 or 40 years from now. The reality is it's not.

"And so it's interesting to me, some of the comments about promises made, promises kept. Because who would have know 30 years ago that you could maybe apply overtime in your high three and use that for your pension. I bet that wasn't there 30 years ago. Who would have known 30

years ago you would have all this paid vacation, and sick leave, or vacation leave that you could have cashed out. Who would have known that 30 years ago? So things do evolve and change.

"I just want to point out, I just don't agree with that argument at all. I think that what the Finance Chair and what our colleagues have done, and I really like the words from the Representative from Manoa and I'd like them included in the Journal as my own. I do think that his comment about parity was right on, and I appreciate those comments. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm standing with reservations. I do want to express my appreciation for the Finance Committee and the Finance Chair increasing the threshold. However, I do have concerns that we're again addressing through pensions and I will determine my full support, or lack of support, upon the final version of the bill. Thank you."

Representative Har rose in support of the measure with reservations and asked that the remarks of Representative Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to respond, stating:

"Yes, in opposition, Mr. Speaker. Just in rebuttal. I'm a little perplexed by the Majority Floor Leader's comments. One thing that stuck out in my mind that she said was that we all have to plan for our future. Well that's why the Minority Caucus is against this bill, because these people did plan for their future, very meticulously. And that's why they're living here in Hawaii with their families. So on one hand she's saying plan for your future, but on the other she's saying that it's okay that we stick it to you even though you planned for your future because we need the money.

"I'm also perplexed by what the Representative from Manoa said so briefly. He admitted that yes, in the future, all pensions will be taxed. And that is why the Republican Caucus is against this bill, because it opens the door. And so on this reason we stand with AARP. They know what they're talking about and they just admitted it on the House Floor, that's the goal, the future goal. All pensions taxed. We believe that is wrong, Mr. Speaker.

"The Representative from Manoa also said, 'Don't worry. It'll be later down the line, maybe 15 or 20 years so you can plan.' Will he put that in writing? Will every person on this Floor put it in writing that next year, the following year, and the following years after that, that we're not going to keep raising this tax and lowering the amount to the point where it is what the original bill was, \$37,500? Is everyone here willing to put that in writing?

"In the beginning of this Session, Mr. Speaker, the Minority Caucus started this Session on the basic premise that we need to keep our word to the people. All these bills that we discussed this whole day, Mr. Speaker, if you add them all up it's probably going to be over a billion dollars that we are taking out of the economy of the State of Hawaii that people thrive on and we're putting it into government.

"So at the beginning of this Session, Mr. Speaker, all we want is, what I'm asking right now, let's put things in writing. We introduced amendments to all of the tax increases that raised, supposedly raising money for the Highway Fund, that you're actually going to use that money for what you're going to say you're raising the money for. But this Body voted that amendment down saying, 'Nah. We don't want to put it in writing.'

"So that's why the AARP is so afraid and concerned about this bill because they don't believe that it's going to be just this thing for the rich. It's going to be for everybody even if you just make \$10,000 a year in pension."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in opposition. The handsome Representative from Manoa said we shouldn't surprise people and I totally agree with him. On the other hand, Barbara Kim Stanton of AARP said this was a shock to the members of their organization. So it's more than a surprise, it's a shock. And what is even more surprising to them is that this bill is actually retroactive back to January 1st.

"So this would go into effect for this taxable year. Yes it's only maybe 3,000 people, but I think the seniors are quaking in their boots. They're extremely concerned that they're paying a lot of taxes to the federal government and increase taxes on the State level. And as the good Representative of Liliha pointed out, costs are going up. The cost of living. So it is really a scary proposition for our senior citizens.

"The good Majority Leader cited many cases about the power of the State to tax, and his brilliance, and brilliant obfuscation is hard to match. I am not a lawyer, but I do not contest the fact that the State does have the sole power to tax and should not be taken away. But on the other hand, I believe that power can be abused and I think we're abusing it today.

"We passed a series of taxes that are just as long as my arm for fuel, weight taxes, registration, and freight, and surcharges on all sorts of licenses from all different departments. We're delaying deductions and we're taking away exemptions. And really what are we doing to our people? I think we should stop and take a deep breath. Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. It does seem to me that I agree with a lot of what's been said on both sides of the aisle. There are things that strike me as a couple of unfairness. One is that many kinds of retirement income are already taxed. Social security is already taxed. At least much of it, depending on how much you make. If you're very poor, you pay less. And if your social security is addition to other income, then you pay taxes on up to 85% of it. And I also understand the argument that we were told things are going to be a certain way and we want our promises to be kept. I think there is some weight to that argument.

"But what do you do in that situation where you have two unfairnesses? You have an unfairness where everybody else's retirement income is being taxed except if you're getting a pension. Pension is a technical word. It only means a certain kind of retirement income. Or do you try to make it so that the whatever was promised, anybody at any point in their life that the promise is kept. Well I think the answer is you have to compromise because the two unfairnesses are not reconcilable. I think the Finance Committee has done as good a job as can be expected and can be done under difficult circumstances to live within the constraints that our current budget situation has put us in, and be as fair to everyone as we can be. Mahalo."

Representative Ward rose to respond, stating:

"Mr. Speaker, still in opposition. You know, sometimes when we stand up and speak, sometimes we think nobody is listening to us. But like my colleagues, I want to quote the handsome, and I think he's a pretty handsome guy from Manoa who was the former Chair and is now the Representative from Manoa. He not only said we should not surprise people, he also said we should start slowly, and then as my colleague from Ewa Beach said he said, someday all pensions will be taxed.

"I'm not sure that that's fair unless we give him a chance to say is that what he meant? Because we're quoting him and it sounds like that's what he said. So I would ask the good gentleman from Manoa if he would like to say anything about what we just quoted that he said. If he so wishes.

At 6:04 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:05 o'clock p.m.

Representative Choy rose to respond, stating:

"Thank you, Mr. Speaker. Just to clarify, I was quoting from the 2005 Tax Review Commission Report, which I was the Chairman of. If I remember what the report said, it said all pensions should be treated equally, only that we should not be surprising anybody and it should be phased in slowly. I believe that's exactly what the report says, and that's what I was quoting. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, just a short comment. I wish to speak in favor. I just want to alert my colleagues across the hall here that you have not come up with any alternatives on how to handle the budget, and until you do I think you need to calm some of your statements down. Until you can come up with some sound alternatives to balance the major deficit we have had this year and the past year."

Representative Riviere rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Riviere's written remarks are as follows:

"I oppose taxing pensions for residents who have already retired because it is patently unfair to change the rules after the game has ended. We should not begin taxing them after they have completed their careers and no longer have time to adjust their retirement planning. If we are to consider taxing pensions, then we should focus on taxing pensions for future retirees.

"As to the argument that we are only taxing individuals who can afford to pay the tax, I ask why one person's pension is fair game to tax, while another's is not, when they both worked under the same understanding that their pensions would not be taxed. Furthermore, it is only be a matter of time until the Legislature lowers the income threshold to include more tax payers.

"I object to taxing pensions for those who have already retired on principal. Justifying this decision by claiming to only tax the rich is disingenuous and does not make it right."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, 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."

Representative Cabanilla rose in support of the measure and asked that the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Lee rose 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 1092 HD1 regarding taxation. HB1092 is part of the Governor's package. The bill proposed to tax pension income which is currently not taxed at the State level. The Governor's original proposal applied the tax starting at levels of \$37,500 for single filers, \$56,250 for heads of households, and \$75,000 for joint filers. The bill also proposed to eliminate the deduction for State income taxes paid. The Tax Review Commission has recommended the taxing of pensions for many years.

"The Finance Committee amended the measure so that it will impact only about 4 to 5% of filers. It will tax the pension incomes as follows:

- A. A joint or surviving spouse filer with an adjusted gross income of \$200,000 or more;

- B. An individual filer or married person filing separately with an adjusted gross income of \$100,000 or more; or
- C. A head of household with an adjusted gross income of \$150,000 or more.

"Remember, this is a tax on pension income and; that people who have 401K's or similar retirement options are already taxed. I believe many with incomes this high will be willing and are able to help. The House has no intention to tax those on fixed income who would be placed into hardship by this measure. The average pension of those who have retired from State government service is \$22,999, far from the threshold noted in this bill.

"For these reasons, I ask the Members' support."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Har rose to respond, stating:

"Mr. Speaker, I'm sorry. Very quickly. I'm still with reservations and please may I note that I do agree that the introducer of this measure, the Representative from Manoa, is quite handsome. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1092, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 37 ayes to 13 noes, with Representatives Belatti, Brower, Ching, Cullen, Fontaine, Hashem, Johanson, Marumoto, Nishimoto, Pine, Riviere, Thielen and Ward voting no, and with Representative Morita being excused.

H.B. No. 273, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 273, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Morita being excused.

H.B. No. 1140, HD 1:

Representative B. Oshiro moved that H.B. No. 1140, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise in opposition to this measure. Although we've tried to in Committee lessen the impact of this and only make it for commercial entities, this authorizes a default ruling against a party that fails to pay fees in an arbitration proceeding. I believe that this is overly harsh and an inappropriate penalty allowing rulings against a party even though evidence is presented in its favor. The amendment, like I mentioned, only deals with commercial entities, but that doesn't make it any less unfair. I still think it makes money more important than the facts in the situation meant to address the disputes.

"I understand the reasoning behind putting this measure in was to stop people from not paying the arbitrator's bill and extending arbitration out forever and ever and never getting any resolution to it. But look at the unintended consequences.

"Let's take a look at say for example, a parasailing business. It takes a tourist out on a parasail. The tourist falls to his death on a parasail ride. It turns out there was a defect in the manufacturing of the parachute. Now the family goes and sues that small business owner. The small business owner's cash is completely tied up in defending that lawsuit of the wrongful death, and now is forced to come up and prepay an arbitration bill and is unable to do so against the parachute manufacturer. Hence you get into the situation where he loses the default judgment because of that.

"And I think that we have to look at those kinds of scenarios and look at the unintended consequences when we do this. I understand we don't want to have limbo created out there in the legal system, but I also believe there's a real downside to this as well. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, anybody can move to set aside a default. It's a very simple motion. Thank you."

Representative Har rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong opposition to HB 1140, H.D. 1.

"As an attorney, I cannot support a bill which could create such injustice and also circumvent the purposes of using alternative dispute resolution procedures, such as arbitration.

"This bill would allow arbiters to enter a default judgment against a party simply because the party failed to pay fees or costs. As stated by the Judiciary Department in their testimony: "[t]o dismiss an otherwise valid claim or position for failure to pay up-front fees or costs raises concerns, especially because review of arbitration decisions is limited."

"Decisions and judgments should be made on the merits of a case, not simply because one did not pay costs or fees. The idea that a default judgment should be entered against a party because it has failed to pay arbitration fees or costs is absurd and could cause great injustice. While I appreciate the amendments made in our Committee on Judiciary to apply only to "commercial entities," I still have serious concerns about imposing such a harsh penalty when the sophistication as well as the legal and financial resources of the parties may widely vary.

"Additionally, this bill does not specify when in the arbitration process this default judgment could be entered, meaning an arbiter could enter the default judgment against a party at any time during the arbitration proceeding. The parties could proceed through the entire arbitration, only to have a default judgment entered against them, not on the merits, but because they had not paid some of the fees or costs.

"While supporters of this bill state that one can move to discharge the default judgment, as an attorney I know the reality is that this is a difficult process which is unlikely to be successful and which would add additional burden to our already overloaded court system. One of the primary purposes of arbitration is to avoid court; thus requiring parties to go to court just exacerbates the situation arbitration is intended to remedy.

"As the Representative from Kapolei, I cannot support this measure, which could hurt our citizens and small businesses, and therefore I stand in strong opposition. Thank you, Mr. Speaker."

Representative Pine rose in opposition to the measure and asked that the remarks of Representative Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto 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 H.B. No. 1140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Fontaine, Har, McKelvey, Pine and Thielen voting no, and with Representative Morita being excused.

H.B. No. 747, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

H.B. No. 254, HD 1:

Representative B. Oshiro moved that H.B. No. 254, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker. I'm standing in support for Stand. Com. Report 685, relating to public order. Mr. Speaker, I just wish that this measure included other communities. Those like Mililani, Waipahu, Kapolei, and other communities in the State. This measure addresses people seeing other people defecate in their communities. I think if this measure is worthy of Waikiki, it's worthy of all of our districts. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

H.B. No. 1138:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," passed Third Reading by a vote of 50 ayes, with Representative Morita being excused.

At 6:14 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1092, HD 1
H.B. No. 273, HD 1
H.B. No. 1140, HD 1
H.B. No. 747, HD 1
H.B. No. 254, HD 1
H.B. No. 1138

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 80 through 82) and concurrent resolutions (H.C.R. Nos. 87 through 90) were referred to Printing and further action was deferred:

H.R. No. 80, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE LIFE-SAVING CONTRIBUTIONS AND SACRIFICES MADE BY ORGAN AND TISSUE DONORS AND THEIR FAMILIES," was jointly offered by Representatives Yamane, Aquino, Chong, M. Lee, Manahan, Tsuji and Yamashita.

H.R. No. 81, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT OF PROPOSED MANDATORY MENTAL HEALTH TREATMENT COVERAGE FOR CRISIS SUBSTANCE ABUSE AND ALCOHOL TREATMENT," was offered by Representative Yamane.

H.R. No. 82, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A CLEFT LIP AND CLEFT PALATE CENTER OF EXCELLENCE," was jointly offered by Representatives Yamane, Aquino and Cullen.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR SURVIVORS OF TRAUMATIC BRAIN INJURIES," was offered by Representative Yamane.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND HONORING THE LIFE-SAVING CONTRIBUTIONS AND SACRIFICES MADE BY ORGAN AND TISSUE DONORS AND THEIR FAMILIES," was jointly offered by Representatives Yamane, Aquino, Chong, M. Lee, Manahan, Tsuji and Yamashita.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT OF PROPOSED MANDATORY MENTAL HEALTH TREATMENT COVERAGE FOR CRISIS SUBSTANCE ABUSE AND ALCOHOL TREATMENT," was offered by Representative Yamane.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A CLEFT LIP AND CLEFT PALATE CENTER OF EXCELLENCE," was jointly offered by Representatives Yamane, Aquino and Cullen.

ANNOUNCEMENTS**COMMITTEE ASSIGNMENTS**

The following measures were referred to committee by the Speaker:

**S.B.
Nos.****Referred to:**

1292	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
1293	Committee on Human Services, then to the Committee on Finance

ADJOURNMENT

At 6:14 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 Thursday, March 10, 2011. (Representative Morita was excused.)

TWENTY-SEVENTH DAY

Thursday, March 10, 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 Awana, Har and Riviere, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Sixth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 48 through 373) were received and announced by the Clerk:

Sen. Com. No. 48, transmitting H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 49, transmitting S.B. No. 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 50, transmitting S.B. No. 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 51, transmitting S.B. No. 4, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 52, transmitting S.B. No. 11, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 53, transmitting S.B. No. 14, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 54, transmitting S.B. No. 23, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 55, transmitting S.B. No. 26, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 56, transmitting S.B. No. 27, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 57, transmitting S.B. No. 30, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 58, transmitting S.B. No. 34, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 59, transmitting S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 60, transmitting S.B. No. 40, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 61, transmitting S.B. No. 41, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PREPAID HEALTH CARE ACT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 62, transmitting S.B. No. 44, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 63, transmitting S.B. No. 45, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 64, transmitting S.B. No. 48, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 65, transmitting S.B. No. 49, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 66, transmitting S.B. No. 52, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 67, transmitting S.B. No. 58, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 68, transmitting S.B. No. 77, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 69, transmitting S.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 70, transmitting S.B. No. 98, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 71, transmitting S.B. No. 99, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 72, transmitting S.B. No. 105, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 73, transmitting S.B. No. 106, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 74, transmitting S.B. No. 110, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 75, transmitting S.B. No. 112, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 76, transmitting S.B. No. 113, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS RESEARCH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 77, transmitting S.B. No. 116, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 78, transmitting S.B. No. 119, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BUILDINGS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 79, transmitting S.B. No. 120, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 80, transmitting S.B. No. 121, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 81, transmitting S.B. No. 122, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC PHYSICIANS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 82, transmitting S.B. No. 123, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 83, transmitting S.B. No. 124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 84, transmitting S.B. No. 125, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 85, transmitting S.B. No. 126, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 86, transmitting S.B. No. 127, SD 1, entitled: "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE DEAF CENTER," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 87, transmitting S.B. No. 132, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LEAF BLOWERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 88, transmitting S.B. No. 141, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND-SECURED FINANCING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 89, transmitting S.B. No. 142, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 90, transmitting S.B. No. 145, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 91, transmitting S.B. No. 146, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 92, transmitting S.B. No. 150, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 93, transmitting S.B. No. 154, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 94, transmitting S.B. No. 155, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 95, transmitting S.B. No. 165, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 96, transmitting S.B. No. 166, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 97, transmitting S.B. No. 169, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CARGO INSPECTIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 98, transmitting S.B. No. 171, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 99, transmitting S.B. No. 172, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 100, transmitting S.B. No. 173, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 101, transmitting S.B. No. 175, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 102, transmitting S.B. No. 179, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 103, transmitting S.B. No. 181, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 104, transmitting S.B. No. 199, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 105, transmitting S.B. No. 209, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 106, transmitting S.B. No. 217, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 107, transmitting S.B. No. 218, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 108, transmitting S.B. No. 224, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LUPUS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 109, transmitting S.B. No. 229, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 110, transmitting S.B. No. 233, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 111, transmitting S.B. No. 238, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 112, transmitting S.B. No. 239, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 113, transmitting S.B. No. 240, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 114, transmitting S.B. No. 242, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 115, transmitting S.B. No. 243, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 116, transmitting S.B. No. 249, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 117, transmitting S.B. No. 258, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 118, transmitting S.B. No. 261, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN MUSIC AND DANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 119, transmitting S.B. No. 281, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 120, transmitting S.B. No. 283, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 121, transmitting S.B. No. 284, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 122, transmitting S.B. No. 285, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 123, transmitting S.B. No. 289, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 124, transmitting S.B. No. 298, SD 3, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 125, transmitting S.B. No. 318, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 126, transmitting S.B. No. 333, SD 3, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 127, transmitting S.B. No. 367, SD 3, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 128, transmitting S.B. No. 414, SD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 129, transmitting S.B. No. 420, SD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 130, transmitting S.B. No. 425, SD 3, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 131, transmitting S.B. No. 570, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 132, transmitting S.B. No. 573, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 133, transmitting S.B. No. 580, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC LIFE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 134, transmitting S.B. No. 582, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY MUTUAL AID," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 135, transmitting S.B. No. 583, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 136, transmitting S.B. No. 590, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 137, transmitting S.B. No. 591, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY BENEFIT MANAGEMENT COMPANIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 138, transmitting S.B. No. 595, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 139, transmitting S.B. No. 596, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 140, transmitting S.B. No. 597, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 141, transmitting S.B. No. 605, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 142, transmitting S.B. No. 608, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 143, transmitting S.B. No. 631, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 144, transmitting S.B. No. 640, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 FUND," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 145, transmitting S.B. No. 643, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 146, transmitting S.B. No. 646, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 147, transmitting S.B. No. 651, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 148, transmitting S.B. No. 652, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 149, transmitting S.B. No. 654, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 150, transmitting S.B. No. 655, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 151, transmitting S.B. No. 657, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 152, transmitting S.B. No. 675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 153, transmitting S.B. No. 676, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 154, transmitting S.B. No. 683, SD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAGO," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 155, transmitting S.B. No. 690, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 156, transmitting S.B. No. 698, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 157, transmitting S.B. No. 699, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 158, transmitting S.B. No. 704, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 159, transmitting S.B. No. 705, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 160, transmitting S.B. No. 714, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 161, transmitting S.B. No. 715, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 162, transmitting S.B. No. 722, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE, ENERGY, AND FOOD SECURITY TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 163, transmitting S.B. No. 723, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 164, transmitting S.B. No. 725, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 165, transmitting S.B. No. 741, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 166, transmitting S.B. No. 742, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 167, transmitting S.B. No. 745, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 168, transmitting S.B. No. 747, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 169, transmitting S.B. No. 750, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 170, transmitting S.B. No. 752, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 171, transmitting S.B. No. 753, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 172, transmitting S.B. No. 754, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 173, transmitting S.B. No. 755, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 174, transmitting S.B. No. 756, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 175, transmitting S.B. No. 757, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 176, transmitting S.B. No. 758, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 177, transmitting S.B. No. 769, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 178, transmitting S.B. No. 772, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 179, transmitting S.B. No. 775, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 180, transmitting S.B. No. 776, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SCIENCE AND TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 181, transmitting S.B. No. 778, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 182, transmitting S.B. No. 779, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 183, transmitting S.B. No. 782, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 184, transmitting S.B. No. 785, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 185, transmitting S.B. No. 787, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 186, transmitting S.B. No. 788, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 187, transmitting S.B. No. 796, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 188, transmitting S.B. No. 797, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH INFORMATION TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 189, transmitting S.B. No. 798, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 190, transmitting S.B. No. 806, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 191, transmitting S.B. No. 808, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 192, transmitting S.B. No. 809, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 193, transmitting S.B. No. 810, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 194, transmitting S.B. No. 813, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 195, transmitting S.B. No. 814, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 196, transmitting S.B. No. 815, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ASSET FORFEITURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 197, transmitting S.B. No. 823, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 198, transmitting S.B. No. 824, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 199, transmitting S.B. No. 831, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 200, transmitting S.B. No. 871, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 201, transmitting S.B. No. 879, SD 2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM MAINTENANCE ALLOWANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 202, transmitting S.B. No. 882, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A MEMORIAL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 203, transmitting S.B. No. 883, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 204, transmitting S.B. No. 892, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 205, transmitting S.B. No. 897, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 206, transmitting S.B. No. 900, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 207, transmitting S.B. No. 903, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 208, transmitting S.B. No. 904, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 209, transmitting S.B. No. 912, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 210, transmitting S.B. No. 918, SD 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 211, transmitting S.B. No. 921, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 212, transmitting S.B. No. 922, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 213, transmitting S.B. No. 923, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 214, transmitting S.B. No. 925, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 215, transmitting S.B. No. 926, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 216, transmitting S.B. No. 931, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 217, transmitting S.B. No. 934, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 218, transmitting S.B. No. 935, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 219, transmitting S.B. No. 939, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 220, transmitting S.B. No. 946, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 221, transmitting S.B. No. 957, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 222, transmitting S.B. No. 958, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 223, transmitting S.B. No. 962, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES FROM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY"," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 224, transmitting S.B. No. 975, SD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 225, transmitting S.B. No. 981, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 226, transmitting S.B. No. 985, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 227, transmitting S.B. No. 986, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 228, transmitting S.B. No. 994, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NEPOTISM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 229, transmitting S.B. No. 1006, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 230, transmitting S.B. No. 1025, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 231, transmitting S.B. No. 1040, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 232, transmitting S.B. No. 1041, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RANGE LAND LIABILITY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 233, transmitting S.B. No. 1054, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 234, transmitting S.B. No. 1059, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 235, transmitting S.B. No. 1065, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 236, transmitting S.B. No. 1066, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 237, transmitting S.B. No. 1067, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 238, transmitting S.B. No. 1068, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 239, transmitting S.B. No. 1069, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 240, transmitting S.B. No. 1073, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 241, transmitting S.B. No. 1076, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 242, transmitting S.B. No. 1078, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 243, transmitting S.B. No. 1079, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 244, transmitting S.B. No. 1080, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 245, transmitting S.B. No. 1081, SD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 246, transmitting S.B. No. 1082, SD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 247, transmitting S.B. No. 1086, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 248, transmitting S.B. No. 1088, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 249, transmitting S.B. No. 1090, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 250, transmitting S.B. No. 1106, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WELLNESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 251, transmitting S.B. No. 1107, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 252, transmitting S.B. No. 1108, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 253, transmitting S.B. No. 1115, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 254, transmitting S.B. No. 1120, SD 2, entitled: "A BILL FOR AN ACT RELATED TO THE ECONOMY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 255, transmitting S.B. No. 1125, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 256, transmitting S.B. No. 1130, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 257, transmitting S.B. No. 1142, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 258, transmitting S.B. No. 1145, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 259, transmitting S.B. No. 1153, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 260, transmitting S.B. No. 1154, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 261, transmitting S.B. No. 1155, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LONG-TERM AGRICULTURAL LEASE TASK FORCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 262, transmitting S.B. No. 1161, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 263, transmitting S.B. No. 1162, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SECURITY BREACHES OF PERSONAL INFORMATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 264, transmitting S.B. No. 1164, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 265, transmitting S.B. No. 1173, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MATCHING GRANTS FOR SPACE EDUCATION PROGRAMMING SERVICES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 266, transmitting S.B. No. 1174, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 267, transmitting S.B. No. 1178, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LENDERS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 268, transmitting S.B. No. 1186, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 269, transmitting S.B. No. 1187, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO PROVIDE FOR THE ELECTION OF THE ATTORNEY GENERAL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 270, transmitting S.B. No. 1190, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 271, transmitting S.B. No. 1195, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 272, transmitting S.B. No. 1197, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 273, transmitting S.B. No. 1209, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 274, transmitting S.B. No. 1214, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC.," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 275, transmitting S.B. No. 1215, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 276, transmitting S.B. No. 1217, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 277, transmitting S.B. No. 1219, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LANAI WATERSHED," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 278, transmitting S.B. No. 1220, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 279, transmitting S.B. No. 1221, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 280, transmitting S.B. No. 1227, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 281, transmitting S.B. No. 1233, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 282, transmitting S.B. No. 1241, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 283, transmitting S.B. No. 1244, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 284, transmitting S.B. No. 1247, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 285, transmitting S.B. No. 1269, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF COMPENSATION FOR PURPOSES OF THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 286, transmitting S.B. No. 1270, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 287, transmitting S.B. No. 1272, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 288, transmitting S.B. No. 1273, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 289, transmitting S.B. No. 1274, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 290, transmitting S.B. No. 1276, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 291, transmitting S.B. No. 1277, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 292, transmitting S.B. No. 1278, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 293, transmitting S.B. No. 1279, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 294, transmitting S.B. No. 1282, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 295, transmitting S.B. No. 1283, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 296, transmitting S.B. No. 1284, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 297, transmitting S.B. No. 1285, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 298, transmitting S.B. No. 1287, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 299, transmitting S.B. No. 1289, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 300, transmitting S.B. No. 1290, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 301, transmitting S.B. No. 1291, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 302, transmitting S.B. No. 1295, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 303, transmitting S.B. No. 1300, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 304, transmitting S.B. No. 1301, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 305, transmitting S.B. No. 1307, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 306, transmitting S.B. No. 1311, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 307, transmitting S.B. No. 1316, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 308, transmitting S.B. No. 1324, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 309, transmitting S.B. No. 1325, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 310, transmitting S.B. No. 1326, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COSTS OF RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 311, transmitting S.B. No. 1327, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 312, transmitting S.B. No. 1328, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 313, transmitting S.B. No. 1329, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 314, transmitting S.B. No. 1331, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 315, transmitting S.B. No. 1332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 316, transmitting S.B. No. 1337, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 317, transmitting S.B. No. 1341, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 318, transmitting S.B. No. 1342, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR THE DISABLED," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 319, transmitting S.B. No. 1346, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 320, transmitting S.B. No. 1347, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 321, transmitting S.B. No. 1348, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 322, transmitting S.B. No. 1349, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 323, transmitting S.B. No. 1355, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 324, transmitting S.B. No. 1357, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 325, transmitting S.B. No. 1358, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 326, transmitting S.B. No. 1360, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 327, transmitting S.B. No. 1361, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 328, transmitting S.B. No. 1363, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 329, transmitting S.B. No. 1375, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 330, transmitting S.B. No. 1381, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH AUTHORITY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 331, transmitting S.B. No. 1382, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 332, transmitting S.B. No. 1383, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 333, transmitting S.B. No. 1384, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 334, transmitting S.B. No. 1385, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 335, transmitting S.B. No. 1393, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 336, transmitting S.B. No. 1394, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 337, transmitting S.B. No. 1416, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 338, transmitting S.B. No. 1417, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE REHABILITATION COUNCIL," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 339, transmitting S.B. No. 1426, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FUNDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 340, transmitting S.B. No. 1443, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 341, transmitting S.B. No. 1451, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM TO SCHOOL MONTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 342, transmitting S.B. No. 1453, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 343, transmitting S.B. No. 1458, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 344, transmitting S.B. No. 1460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MARIJUANA," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 345, transmitting S.B. No. 1468, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 346, transmitting S.B. No. 1476, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL

PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 347, transmitting S.B. No. 1481, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 348, transmitting S.B. No. 1482, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 349, transmitting S.B. No. 1483, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 350, transmitting S.B. No. 1484, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 351, transmitting S.B. No. 1485, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 352, transmitting S.B. No. 1487, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 353, transmitting S.B. No. 1489, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 354, transmitting S.B. No. 1491, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 355, transmitting S.B. No. 1493, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 356, transmitting S.B. No. 1496, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 357, transmitting S.B. No. 1498, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 358, transmitting S.B. No. 1499, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 359, transmitting S.B. No. 1503, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 360, transmitting S.B. No. 1506, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 361, transmitting S.B. No. 1511, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 362, transmitting S.B. No. 1516, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ADMINISTRATIVE UNIFORMITY," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 363, transmitting S.B. No. 1519, SD 3, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN

ORIGINATORS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 364, transmitting S.B. No. 1520, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 365, transmitting S.B. No. 1521, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 366, transmitting S.B. No. 1522, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOGS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 367, transmitting S.B. No. 1530, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 368, transmitting S.B. No. 1533, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 369, transmitting S.B. No. 1538, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 370, transmitting S.B. No. 1549, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 371, transmitting S.B. No. 1553, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 372, transmitting S.B. No. 1555, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," which passed Third Reading in the Senate on March 8, 2011.

Sen. Com. No. 373, transmitting S.B. No. 1559, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," which passed Third Reading in the Senate on March 8, 2011.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Awana, Har and Riviere were excused.)

S.B. No. 1, SD 2
S.B. No. 2, SD 2
S.B. No. 4, SD 1
S.B. No. 11, SD 2
S.B. No. 14, SD 2
S.B. No. 23, SD 1
S.B. No. 26, SD 2
S.B. No. 27, SD 1
S.B. No. 30, SD 1
S.B. No. 34, SD 1
S.B. No. 35
S.B. No. 40, SD 2
S.B. No. 41, SD 1
S.B. No. 44, SD 1
S.B. No. 45
S.B. No. 48, SD 1
S.B. No. 49, SD 1
S.B. No. 52, SD 1
S.B. No. 58, SD 1
S.B. No. 77, SD 1
S.B. No. 81
S.B. No. 98, SD 2
S.B. No. 99, SD 2

S.B. No. 105, SD 2	S.B. No. 643, SD 2
S.B. No. 106, SD 1	S.B. No. 646, SD 1
S.B. No. 110, SD 2	S.B. No. 651, SD 2
S.B. No. 112, SD 1	S.B. No. 652, SD 2
S.B. No. 113, SD 2	S.B. No. 654, SD 1
S.B. No. 116, SD 2	S.B. No. 655, SD 1
S.B. No. 119, SD 2	S.B. No. 657, SD 1
S.B. No. 120, SD 1	S.B. No. 675, SD 1
S.B. No. 121, SD 2	S.B. No. 676
S.B. No. 122, SD 2	S.B. No. 683, SD 1
S.B. No. 123, SD 1	S.B. No. 690
S.B. No. 124, SD 1	S.B. No. 698, SD 2
S.B. No. 125, SD 2	S.B. No. 699, SD 2
S.B. No. 126, SD 2	S.B. No. 704, SD 2
S.B. No. 127, SD 1	S.B. No. 705, SD 2
S.B. No. 132, SD 1	S.B. No. 714, SD 1
S.B. No. 141, SD 2	S.B. No. 715, SD 1
S.B. No. 142, SD 1	S.B. No. 722, SD 2
S.B. No. 145, SD 2	S.B. No. 723, SD 1
S.B. No. 146, SD 1	S.B. No. 725, SD 2
S.B. No. 150, SD 2	S.B. No. 741, SD 1
S.B. No. 154, SD 1	S.B. No. 742, SD 2
S.B. No. 155, SD 2	S.B. No. 745, SD 2
S.B. No. 165, SD 2	S.B. No. 747
S.B. No. 166, SD 1	S.B. No. 750, SD 1
S.B. No. 169, SD 2	S.B. No. 752, SD 2
S.B. No. 171, SD 2	S.B. No. 753, SD 2
S.B. No. 172, SD 2	S.B. No. 754, SD 1
S.B. No. 173, SD 2	S.B. No. 755, SD 2
S.B. No. 175, SD 2	S.B. No. 756, SD 2
S.B. No. 179, SD 1	S.B. No. 757, SD 2
S.B. No. 181, SD 1	S.B. No. 758, SD 1
S.B. No. 199, SD 2	S.B. No. 769, SD 1
S.B. No. 209, SD 1	S.B. No. 772, SD 2
S.B. No. 217, SD 2	S.B. No. 775, SD 2
S.B. No. 218, SD 1	S.B. No. 776, SD 2
S.B. No. 224, SD 2	S.B. No. 778, SD 1
S.B. No. 229, SD 1	S.B. No. 779, SD 2
S.B. No. 233, SD 2	S.B. No. 782, SD 2
S.B. No. 238, SD 2	S.B. No. 785, SD 2
S.B. No. 239, SD 2	S.B. No. 787, SD 2
S.B. No. 240, SD 2	S.B. No. 788, SD 2
S.B. No. 242, SD 1	S.B. No. 796, SD 2
S.B. No. 243, SD 2	S.B. No. 797, SD 1
S.B. No. 249, SD 2	S.B. No. 798, SD 1
S.B. No. 258, SD 1	S.B. No. 806, SD 1
S.B. No. 261, SD 2	S.B. No. 808, SD 2
S.B. No. 281, SD 2	S.B. No. 809, SD 1
S.B. No. 283, SD 1	S.B. No. 810, SD 1
S.B. No. 284, SD 2	S.B. No. 813, SD 2
S.B. No. 285, SD 2	S.B. No. 814, SD 2
S.B. No. 289, SD 2	S.B. No. 815, SD 1
S.B. No. 298, SD 3	S.B. No. 823, SD 1
S.B. No. 318, SD 2	S.B. No. 824, SD 2
S.B. No. 333, SD 3	S.B. No. 831, SD 2
S.B. No. 367, SD 3	S.B. No. 871, SD 2
S.B. No. 414, SD 3	S.B. No. 879, SD 2
S.B. No. 420, SD 3	S.B. No. 882, SD 2
S.B. No. 425, SD 3	S.B. No. 883, SD 2
S.B. No. 570, SD 2	S.B. No. 892, SD 2
S.B. No. 573, SD 2	S.B. No. 897, SD 2
S.B. No. 580, SD 2	S.B. No. 900, SD 2
S.B. No. 582, SD 2	S.B. No. 903, SD 1
S.B. No. 583, SD 1	S.B. No. 904, SD 2
S.B. No. 590, SD 1	S.B. No. 912, SD 2
S.B. No. 591, SD 2	S.B. No. 918, SD 2
S.B. No. 595, SD 2	S.B. No. 921, SD 2
S.B. No. 596, SD 2	S.B. No. 922, SD 1
S.B. No. 597, SD 2	S.B. No. 923
S.B. No. 605, SD 2	S.B. No. 925, SD 2
S.B. No. 608, SD 2	S.B. No. 926, SD 1
S.B. No. 631, SD 1	S.B. No. 931, SD 2
S.B. No. 640, SD 1	S.B. No. 934, SD 2

S.B. No. 935, SD 2
S.B. No. 939, SD 1
S.B. No. 946, SD 1
S.B. No. 957, SD 1
S.B. No. 958, SD 2
S.B. No. 962, SD 1
S.B. No. 975, SD 1
S.B. No. 981, SD 2
S.B. No. 985, SD 1
S.B. No. 986, SD 2
S.B. No. 994, SD 1
S.B. No. 1006, SD 1
S.B. No. 1025, SD 1
S.B. No. 1040, SD 1
S.B. No. 1041, SD 1
S.B. No. 1054, SD 1
S.B. No. 1059, SD 2
S.B. No. 1065, SD 1
S.B. No. 1066, SD 2
S.B. No. 1067, SD 1
S.B. No. 1068, SD 1
S.B. No. 1069, SD 1
S.B. No. 1073, SD 2
S.B. No. 1076, SD 1
S.B. No. 1078, SD 2
S.B. No. 1079, SD 2
S.B. No. 1080, SD 1
S.B. No. 1081, SD 2
S.B. No. 1082, SD 2
S.B. No. 1086, SD 1
S.B. No. 1088, SD 1
S.B. No. 1090, SD 1
S.B. No. 1106, SD 1
S.B. No. 1107, SD 1
S.B. No. 1108, SD 2
S.B. No. 1115, SD 2
S.B. No. 1120, SD 2
S.B. No. 1125, SD 2
S.B. No. 1130, SD 1
S.B. No. 1142, SD 2
S.B. No. 1145, SD 2
S.B. No. 1153, SD 1
S.B. No. 1154, SD 2
S.B. No. 1155, SD 2
S.B. No. 1161, SD 1
S.B. No. 1162, SD 2
S.B. No. 1164, SD 2
S.B. No. 1173, SD 2
S.B. No. 1174, SD 2
S.B. No. 1178, SD 1
S.B. No. 1186, SD 2
S.B. No. 1187, SD 1
S.B. No. 1190, SD 1
S.B. No. 1195, SD 1
S.B. No. 1197, SD 2
S.B. No. 1209, SD 1
S.B. No. 1214, SD 2
S.B. No. 1215, SD 2
S.B. No. 1217, SD 1
S.B. No. 1219, SD 2
S.B. No. 1220, SD 2
S.B. No. 1221, SD 2
S.B. No. 1227, SD 2
S.B. No. 1233, SD 2
S.B. No. 1241, SD 1
S.B. No. 1244, SD 2
S.B. No. 1247, SD 2
S.B. No. 1269, SD 2
S.B. No. 1270, SD 2
S.B. No. 1272, SD 2
S.B. No. 1273, SD 1
S.B. No. 1274, SD 2
S.B. No. 1276, SD 2

S.B. No. 1277, SD 2
S.B. No. 1278, SD 1
S.B. No. 1279, SD 1
S.B. No. 1282, SD 1
S.B. No. 1283, SD 1
S.B. No. 1284, SD 2
S.B. No. 1285, SD 2
S.B. No. 1287, SD 2
S.B. No. 1289, SD 2
S.B. No. 1290, SD 1
S.B. No. 1291, SD 2
S.B. No. 1295, SD 1
S.B. No. 1300, SD 2
S.B. No. 1301, SD 1
S.B. No. 1307, SD 1
S.B. No. 1311, SD 2
S.B. No. 1316, SD 1
S.B. No. 1324, SD 2
S.B. No. 1325, SD 1
S.B. No. 1326, SD 2
S.B. No. 1327, SD 2
S.B. No. 1328, SD 1
S.B. No. 1329, SD 1
S.B. No. 1331, SD 2
S.B. No. 1332, SD 2
S.B. No. 1337, SD 2
S.B. No. 1341, SD 2
S.B. No. 1342, SD 1
S.B. No. 1346, SD 2
S.B. No. 1347, SD 1
S.B. No. 1348, SD 2
S.B. No. 1349, SD 1
S.B. No. 1355, SD 1
S.B. No. 1357, SD 2
S.B. No. 1358, SD 2
S.B. No. 1360, SD 1
S.B. No. 1361, SD 1
S.B. No. 1363, SD 2
S.B. No. 1375, SD 1
S.B. No. 1381
S.B. No. 1382, SD 2
S.B. No. 1383, SD 2
S.B. No. 1384, SD 2
S.B. No. 1385, SD 2
S.B. No. 1393, SD 2
S.B. No. 1394, SD 1
S.B. No. 1416, SD 1
S.B. No. 1417, SD 1
S.B. No. 1426, SD 2
S.B. No. 1443, SD 2
S.B. No. 1451, SD 1
S.B. No. 1453, SD 2
S.B. No. 1458, SD 2
S.B. No. 1460, SD 1
S.B. No. 1468, SD 2
S.B. No. 1476, SD 2
S.B. No. 1481, SD 1
S.B. No. 1482, SD 1
S.B. No. 1483, SD 1
S.B. No. 1484, SD 1
S.B. No. 1485, SD 1
S.B. No. 1487, SD 1
S.B. No. 1489, SD 1
S.B. No. 1491, SD 1
S.B. No. 1493, SD 1
S.B. No. 1496, SD 1
S.B. No. 1498, SD 2
S.B. No. 1499, SD 1
S.B. No. 1503, SD 2
S.B. No. 1506, SD 2
S.B. No. 1511, SD 1
S.B. No. 1516, SD 2
S.B. No. 1519, SD 3

S.B. No. 1520, SD 2
 S.B. No. 1521, SD 2
 S.B. No. 1522, SD 2
 S.B. No. 1530, SD 1
 S.B. No. 1533, SD 1
 S.B. No. 1538, SD 1
 S.B. No. 1549, SD 2
 S.B. No. 1553, SD 1
 S.B. No. 1555, SD 2
 S.B. No. 1559, SD 2

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Saiki introduced McKinley High School senior, Mr. James Stabilio of the Boys & Girls Club of Hawaii Charles C. Spalding Clubhouse in Mo'ili'ili. Mr. Sabilio is the winner of the Boys & Girls Club of Hawaii 2011 Youth of the Year award. He was accompanied by Mr. Kyle Nakaya, Director of the Mo'ili'ili Clubhouse.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representatives Awana, Har and Riviere were excused.)

UNFINISHED BUSINESS

H.B. No. 341, HD 4

Representative B. Oshiro moved that H.B. No. 341, HD 4, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this bill. I understand the impetus of this bill, but I am concerned that this particular bill does not address non-consecutive abuse of sick leave. This legislation gives employers the ability to ask for a doctor's verification of sickness after three consecutive days of sick leave. However, it does not address potential sick leave abuses of a non-consecutive nature.

"Sick leave is an important benefit for our workers and needs to be honored. However, we must be careful not to so curtail the prerogatives of management that we negatively affect those businesses that are providing quality jobs for our workers."

Representative Ching rose in support of the measure 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:

"Mr. Speaker, I rise in strong opposition to H.B. 341, which prohibits an employer with a minimum of 100 employees or a collective bargaining unit to terminate or demote an employee over their use of sick leave.

"This measure, colleagues, could cause an unwanted intrusion into the operations of business and management's right to provide and administer a non-government-mandated benefit. Sick leave is an enhancement to afford an attractive and stable work environment.

"Hawaii's employers and their employees deserve a viable marketplace where prosperity is facilitated and encouraged, rather than impeded by regulations. Creating a protection of the use of sick leave may force many businesses, especially small companies, to reduce or eliminate voluntary sick leave due to the potential abuse of this benefit that could result if the measure is passed. This may have the unintended consequences, such as a rise in the cost of doing business, an unstable work environment, and potential litigation.

"In fact, several questions remain unclear. Will employers have the right to question or challenge the sufficiency or legitimacy of such verification? Can the hearings branch handle this additional responsibility with the limited resources currently in the Division? The added burden of an additional protected area without additional personnel may cause hearings on the issue to be delayed and untimely to achieve an appropriate remedy."

Representative Fontaine 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 H.B. No. 341, HD 4, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Marumoto voting no, and with Representatives Awana, Har and Riviere being excused.

At 12:14 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 341, HD 4

At 12:14 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative Tsuji introduced Keaau High School freshman and Keaau Clubhouse member, Ms. Aulani Salvador, the Boys & Girls Club of Hawaii 2011 Big Island Youth of the Year.

Representative Yamashita introduced Upcountry Clubhouse member, Ms. Leah Kinorea, the Boys & Girls Club of Hawaii 2011 Maui Youth of the Year.

Representative Yamashita also introduced Mr. Zachary Jarman, the Boys & Girls Club of Hawaii 2010 Maui Youth of the Year.

REPORTS OF STANDING COMMITTEES

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 943), recommending that H.C.R. No. 29, 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. 29, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker, in support. And just for the Member's edification, this is merely procedural to confirm a Land Board

vote to issue a cancellation of a submerged land lease. Thank you, very much."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Brower 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. 29, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND," was referred to the Committee on Finance, with Representatives Awana, Chong, Har and Riviere being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 944), recommending that H.R. No. 25, be referred to the Committee on Public Safety & Military Affairs; and

(Stand. Com. Rep. No. 945), recommending that H.C.R. No. 22, be referred to the Committee on Public Safety & Military Affairs.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 25; and H.C.R. No. 22, be referred to the Committee on Public Safety & Military Affairs, seconded by Representative Evans.

Representative Cabanilla rose to speak in support of both measures, stating:

"Mr. Speaker, thank you. I rise in support of HR 25 and HCR 22. The people of lower Waipahu have been asking for this cleanup for years. The Navy should be good neighbors and help us take care of the land. We previously passed a Resolution and the Navy has not initiated the actions recommended by the Legislature.

"I have met with the Navy and I believe that it is still prudent for this Body to assert the position that the Navy should clean up the mangroves and the reef. The residents of lower Waipahu deserve fair treatment and these Resolutions will further encourage the Navy to proceed with the cleanup. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 25, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES NAVY TO REMOVE THE INVASIVE PLANTS, EXCESSIVE FOLIAGE, AND OTHER DEBRIS FROM THE COASTLINE OF LOWER WAIPAHAU," was referred to the Committee on Public Safety & Military Affairs, with Representatives Awana, Chong, Har and Riviere being excused; and

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES NAVY TO REMOVE THE INVASIVE PLANTS, EXCESSIVE FOLIAGE, AND OTHER DEBRIS FROM THE COASTLINE OF LOWER WAIPAHAU," was referred to the Committee on Public Safety & Military Affairs, with Representatives Awana, Chong, Har and Riviere being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 83 through 95) and concurrent resolutions (H.C.R. Nos. 91 through 104) were referred to Printing and further action was deferred:

H.R. No. 83, entitled: "HOUSE RESOLUTION ENCOURAGING THE UNITED STATES CONGRESS TO ENACT FEDERAL LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY REFORMS," was jointly offered by Representatives Mizuno, Awana, Thielen, Yamane and McKelvey.

H.R. No. 84, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A 'PLUS-ONE' MODEL PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was jointly offered by Representatives Mizuno, Brower, Nishimoto, Takai and Nakashima.

H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AND COUNTIES TO PROVIDE FOR USE ANY PROPERTIES, STRUCTURES, AND BUILDINGS, FOR EDUCATIONAL, RECREATIONAL, HEALTH, AND HUMAN SERVICES PROGRAMS, SUCH AS BUT NOT LIMITED TO HOMELESS ASSISTANCE, IN PROPERTIES THAT ARE ABANDONED, EXCESS, AND UNDERUTILIZED OR UNOCCUPIED UNDER THEIR RESPECTIVE JURISDICTION," was jointly offered by Representatives Mizuno, Awana, Chang, Har, Nakashima and Nishimoto.

H.R. No. 86, entitled: "HOUSE RESOLUTION AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND URGING THE UNITED STATES CONGRESS TO PROPOSE THIS CONSTITUTIONAL AMENDMENT TO THE STATES FOR RATIFICATION," was jointly offered by Representatives Mizuno and Awana.

H.R. No. 87, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 330 SARATOGA ROAD IN HONOLULU, HAWAII AS THE DON HO POST OFFICE BUILDING," was jointly offered by Representatives Mizuno, Awana, Brower, Evans, Hanohano, Wooley, and C. Lee.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING MUSICIAN AND ENTERTAINER, DON HO," was jointly offered by Representatives Mizuno, Awana, Evans, Hanohano, C. Lee and Wooley.

H.R. No. 89, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM TO REVIEW THE EFFECTS OF CLIMATE CHANGE ON HAWAII'S COASTAL AND MARINE RESOURCES," was jointly offered by Representatives Morita, Cabanilla, Chang, Chong, Coffman, Har, Ito, Thielen and Herkes.

H.R. No. 90, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives McKelvey, Brower, Johanson, Keith-Agaran, Mizuno, Pine, Souki, Hanohano and Nakashima.

H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF CONSTRUCTING A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," was jointly offered by Representatives Awana, Chong, Johanson, Manahan, Marumoto, Mizuno, Pine, Riviere and Thielen.

H.R. No. 92, entitled: "HOUSE RESOLUTION REQUESTING A PILOT PROJECT TO STUDY AND REDUCE THE MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H-2 FREEWAY FROM MILILANI MAUKA," was jointly offered by Representatives M. Lee and Yamane.

H.R. No. 93, entitled: "HOUSE RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO SEEK AN AGREEMENT WITH MAJOR TELEVISION NETWORKS AND MAINLAND WEATHER CHANNELS TO INCLUDE A REPORT OF HAWAII'S WEATHER IN THEIR WEATHER REPORTS," was jointly offered by Representatives Brower, Hanohano, Hashem, Morikawa, Takai, Aquino, Choy, Evans, Har, Nakashima, Nishimoto, B. Oshiro, Souki, Takumi, Tokioka, Tsuji and Wooley.

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was offered by Representative Yamane.

H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, TO CONDUCT A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALUA BAY," was jointly offered by Representatives Hashem, Awana, Brower, Evans, Ichiyama, Manahan, Marumoto, McKelvey, Choy, Cullen, Keith-Agaran, C. Lee, Nakashima and Tokioka.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES CONGRESS TO ENACT FEDERAL LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY REFORMS," was jointly offered by Representatives Mizuno, Awana, McKelvey, Thielen and Yamane.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A 'PLUS-ONE' MODEL PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was jointly offered by Representatives Mizuno, Brower, Nishimoto, Takai and Nakashima.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND COUNTIES TO PROVIDE FOR USE ANY PROPERTIES, STRUCTURES, AND BUILDINGS, FOR EDUCATIONAL, RECREATIONAL, HEALTH, AND HUMAN SERVICES PROGRAMS, SUCH AS BUT NOT LIMITED TO HOMELESS ASSISTANCE, IN PROPERTIES THAT ARE ABANDONED, EXCESS, AND UNDERUTILIZED OR UNOCCUPIED UNDER THEIR RESPECTIVE JURISDICTION," was jointly offered by Representatives Mizuno, Awana, Chang, Har, Nakashima and Nishimoto.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND URGING THE UNITED STATES CONGRESS TO PROPOSE THIS CONSTITUTIONAL AMENDMENT TO THE STATES FOR RATIFICATION," was jointly offered by Representatives Mizuno and Awana.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 330 SARATOGA ROAD IN HONOLULU, HAWAII AS THE DON HO POST OFFICE BUILDING," was jointly offered by Representatives Mizuno, Awana, Brower, Evans, Hanohano, C. Lee and Wooley.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING MUSICIAN AND ENTERTAINER, DON HO," was jointly offered by Representatives Mizuno, Awana, Evans, Hanohano, C. Lee and Wooley.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM TO REVIEW THE EFFECTS OF CLIMATE CHANGE ON HAWAII'S COASTAL AND MARINE RESOURCES," was jointly offered by Representatives Morita, Cabanilla, Chang, Chong, Coffman, Har, Ito, Thielen and Herkes.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE PASSAGE OF S. 1337, THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was jointly offered by Representatives McKelvey, Brower, Hanohano, Johanson, Keith-Agaran, Mizuno, Pine, Souki and Nakashima.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was jointly offered by Representatives McKelvey, Brower, Hanohano, Johanson, Mizuno, Pine, Souki, and Keith-Agaran.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO REPORT TO THE LEGISLATURE ON THE FEASIBILITY OF CONSTRUCTING A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," was jointly offered by Representatives Awana, Chong, Johanson, Manahan, Marumoto, Mizuno, Pine, Riviere, Thielen and Ward.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PILOT PROJECT TO STUDY AND REDUCE THE MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H-2 FREEWAY FROM MILILANI MAUKA," was jointly offered by Representatives M. Lee and Yamane.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII TOURISM AUTHORITY TO SEEK AN AGREEMENT WITH MAJOR TELEVISION NETWORKS AND MAINLAND WEATHER CHANNELS TO INCLUDE A REPORT OF HAWAII'S WEATHER IN THEIR WEATHER REPORTS," was jointly offered by Representatives Brower, Hanohano, Hashem, Morikawa, Takai, Aquino, Choy, Evans, Har, Nakashima, Nishimoto, B. Oshiro, Souki, Takumi, Tokioka, Tsuji and Wooley.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was offered by Representative Yamane.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, TO CONDUCT A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALUA BAY," was jointly offered by Representatives Hashem, Awana, Brower, Evans, Ichiyama, Manahan, Marumoto, McKelvey, Choy, Cullen, Keith-Agaran, C. Lee, Nakashima and Tokioka.

ANNOUNCEMENTS

Representative Yamane: "Mr. Speaker, I have two announcements. First, Mr. Speaker, I'd like to inform everyone that today is World Kidney Day. World Kidney Day was created to celebrate and raise the awareness of the importance of the amazing filtering function of our kidneys. For some of our colleagues, during these stressful times, I know your kidneys work extra hard in filtering out substances like alcohol.

"Today the world-renowned Moanalua High School Orchestra will be performing on Ala Moana Center Stage at 6:00 to 7:30 p.m. to raise awareness of this important day and about chronic kidney disease. Tomorrow the National Kidney Foundation of Hawaii will also be providing free kidney screening at Ala Moana Hotel from 9:00 a.m. to 1:00 p.m.

"Celebrating World Kidney Day is easy. Just remember to treat your kidneys well by spoiling them by eating one of those kidney-friendly super foods, which include cranberries, blueberries, raspberries, strawberries, garlic, bell peppers, cabbage and onions.

"Mr. Speaker, I would also like to make a second announcement and that is that one of our colleagues celebrated their 43rd birthday yesterday. This young man, a graduate from Sacred Hearts School, before it became an all-girls school I guess, represents Maui. His birthday was on March 9th, 1968. He looks young, but he's my age. So I'd like to honor Representative Angus McKelvey on his 43rd birthday."

Representative McKelvey: "Thank you, very much. Thank you, Representative from Mililani. And just for his edification, Sacred Hearts in Lahaina is not an all-girls school. You should come out sometime and we'll show you around.

"But thank you very much, colleagues. I appreciate it. These last years have been wonderful and I look forward to many more years with all of you. Especially with my brothers from another mother. And the gentleman from Hawaii Kai I believe was also a birthday boy yesterday too. Correct? Yes, guilty as charged. Happy Birthday."

Representative Ward: "Mr. Speaker, I want to acknowledge the truth of that however, I've reached the age where it's don't ask, don't tell."

Representative Marumoto: "We were not able to acknowledge our Minority Leader's birthday yesterday so today, we'd like to give him a small token of our esteem. Best wishes from the entire Body. Thank you."

Representative Wooley: "Thank you, Mr. Speaker. I just want to let you know that tickets for the March 19, 3rd Annual Legislators Barbeque at Kualoa are sold out. If you reserved a ticket, but you haven't paid, you need to pay by the 14th. The waiting list is only open to legislators at the moment. Thank you."

Representative Ward: "Mr. Speaker, just as a reminder that our job descriptions may change in a hour and half. The Council on Revenues will meet, and who knows what's going to come out of it. But if it's not good news, we've got a lot of work to do. Thank you."

At 12:26 o'clock p.m. Representative Herkes requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

Representative Hanohano: "I would like to ask for a moment of silence in honor of the late Herb Kane. Thank you."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Mr. Herbert Kawainue Kane.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
80	Committee on Health
81	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
82	Committee on Health, then to the Committee on Finance
83	Committee on Health
84	Committee on Higher Education
85	Jointly to the Committee on Human Services and the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Education, then to the Committee on Finance
86	Committee on Human Services, then to the Committee on Judiciary
87	Committee on Culture & the Arts
88	Committee on Culture & the Arts
89	Committee on Energy & Environmental Protection, then to the Committee on Higher Education, then to the Committee on Finance
90	Committee on Public Safety & Military Affairs, then to the Committee on International Affairs
91	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
92	Committee on Transportation, then to the Committee on Finance
93	Committee on Tourism
94	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
95	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
<u>H.C.R. Nos.</u>	<u>Referred to:</u>
87	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
88	Committee on Health

89	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management	26, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
90	Committee on Health, then to the Committee on Finance	27, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
91	Committee on Health	30, SD1	Committee on Transportation, then to the Committee on Judiciary
92	Committee on Higher Education	34, SD1	Committee on Judiciary
93	Jointly to the Committee on Human Services and the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Education, then to the Committee on Finance	35	Committee on Consumer Protection & Commerce
94	Committee on Human Services, then to the Committee on Judiciary	40, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
95	Committee on Culture & the Arts	41, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
96	Committee on Culture & the Arts	44, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
97	Committee on Energy & Environmental Protection, then to the Committee on Higher Education, then to the Committee on Finance	45	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
98	Committee on Public Safety & Military Affairs, then to the Committee on International Affairs	48, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
99	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance	49, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management
100	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	52, SD1	Committee on Judiciary, then to the Committee on Finance
101	Committee on Transportation, then to the Committee on Finance	58, SD1	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
102	Committee on Tourism		
103	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management	77, SD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
104	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	81	Committee on Economic Revitalization & Business, then to the Committee on Finance
		98, SD2	Jointly to the Committee on Transportation and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
<u>S.B.</u>			
<u>Nos.</u>	<u>Referred to:</u>	99, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1, SD2	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	105, SD2	Committee on Judiciary
2, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	106, SD1	Committee on Judiciary
4, SD1	Committee on Economic Revitalization & Business, then to the Committee on Judiciary	110, SD2	Committee on Judiciary
11, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance	112, SD1	Committee on Economic Revitalization & Business, then to the Committee on Finance
14, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	113, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
23, SD1	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	116, SD2	Committee on Tourism, then jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance

119, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	175, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
120, SD1	Committee on Finance	179, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance
121, SD2	Committee on Health, then to the Committee on Finance	181, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce
122, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	199, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
123, SD1	Committee on Consumer Protection & Commerce	209, SD1	Committee on Health, then to the Committee on Finance
124, SD1	Committee on Transportation, then to the Committee on Consumer Protection & Commerce	217, SD2	Committee on Human Services, then to the Committee on Judiciary
125, SD2	Committee on Human Services, then to the Committee on Finance	218, SD1	Committee on Health, then to the Committee on Judiciary
126, SD2	Committee on Human Services, then to the Committee on Finance	224, SD2	Committee on Health, then to the Committee on Finance
127, SD1	Committee on Human Services, then to the Committee on Finance	229, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services, then to the Committee on Judiciary
132, SD1	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	233, SD2	Committee on Finance
141, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	238, SD2	Committee on Higher Education, then to the Committee on Finance
142, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	239, SD2	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
145, SD2	Committee on Agriculture, then to the Committee on Finance	240, SD2	Committee on Health, then to the Committee on Finance
146, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance	242, SD1	Committee on Higher Education, then to the Committee on Finance
150, SD2	Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	243, SD2	Committee on Higher Education, then to the Committee on Finance
154, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	249, SD2	Committee on Agriculture, then to the Committee on Finance
155, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	258, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
165, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	261, SD2	Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance
166, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	281, SD2	Committee on Agriculture, then to the Committee on Finance
169, SD2	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	283, SD1	Jointly to the Committee on Economic Revitalization & Business and the Committee on Hawaiian Affairs, then to the Committee on Finance
171, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	284, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Hawaiian Affairs, then to the Committee on Finance
172, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary		
173, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary		

285, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	631, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Agriculture
289, SD2	Committee on Education, then to the Committee on Finance	640, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
298, SD3	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	643, SD2	Committee on Transportation, then to the Committee on Judiciary
318, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	646, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
333, SD3	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	651, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
367, SD3	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	652, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
414, SD3	Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	654, SD1	Committee on Housing, then to the Committee on Finance
420, SD3	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	655, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
425, SD3	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance	657, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
570, SD2	Committee on Finance	675, SD1	Committee on Higher Education, then to the Committee on Finance
573, SD2	Committee on Hawaiian Affairs, then to the Committee on Finance	676	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
580, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	683, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
582, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance	690	Committee on Housing, then to the Committee on Consumer Protection & Commerce
583, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	698, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
590, SD1	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance	699, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
591, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	704, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
595, SD2	Jointly to the Committee on Health and the Committee on Human Services, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance	705, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce
596, SD2	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance	714, SD1	Committee on Housing, then to the Committee on Consumer Protection & Commerce
597, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	715, SD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
605, SD2	Committee on Education, then to the Committee on Finance	722, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
608, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	723, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
		725, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance

741, SD1	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	788, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
742, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance	796, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
745, SD2	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance	797, SD1	Committee on Health, then to the Committee on Finance
747	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	798, SD1	Committee on Health, then to the Committee on Judiciary
750, SD1	Committee on Housing, then to the Committee on Consumer Protection & Commerce	806, SD1	Committee on Education, then to the Committee on Finance
752, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	808, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
753, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	809, SD1	Committee on Higher Education, then to the Committee on Finance
754, SD1	Committee on Finance	810, SD1	Committee on Education, then to the Committee on Finance
755, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	813, SD2	Committee on Education, then to the Committee on Finance
756, SD2	Committee on Finance	814, SD2	Committee on Higher Education, then to the Committee on Finance
757, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	815, SD1	Committee on Hawaiian Affairs, then to the Committee on Judiciary
758, SD1	Committee on Economic Revitalization & Business, then to the Committee on Finance	823, SD1	Jointly to the Committee on Transportation and the Committee on Economic Revitalization & Business, then to the Committee on Finance
769, SD1	Committee on Tourism, then to the Committee on Finance	824, SD2	Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
772, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance	831, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance
775, SD2	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	871, SD2	Committee on Education, then to the Committee on Finance
776, SD2	Committee on Economic Revitalization & Business, then to the Committee on Higher Education, then to the Committee on Finance	879, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
778, SD1	Committee on Finance	882, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
779, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	883, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
782, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	892, SD2	Jointly to the Committee on Health and the Committee on Housing, then to the Committee on Judiciary
785, SD2	Committee on Health, then to the Committee on Finance	897, SD2	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
787, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	900, SD2	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
		903, SD1	Committee on Housing, then to the Committee on Finance
		904, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

912, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1040, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary
918, SD2	Committee on Health, then to the Committee on Education, then to the Committee on Finance	1041, SD1	Committee on Agriculture, then to the Committee on Judiciary
921, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	1054, SD1	Committee on Human Services, then to the Committee on Judiciary
922, SD1	Committee on Health, then to the Committee on Education, then to the Committee on Finance	1059, SD2	Committee on Energy & Environmental Protection, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
923	Committee on Human Services, then to the Committee on Finance	1065, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
925, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	1066, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
926, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	1067, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
931, SD2	Committee on Education, then to the Committee on Finance	1068, SD1	Committee on Judiciary
934, SD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	1069, SD1	Committee on Judiciary
935, SD2	Jointly to the Committee on Health and the Committee on Human Services and the Committee on Labor & Public Employment, then jointly to the Committee on Judiciary and the Committee on Education, then to the Committee on Finance	1073, SD2	Committee on Judiciary, then to the Committee on Finance
939, SD1	Committee on Health, then to the Committee on Finance	1076, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Judiciary, then to the Committee on Finance
946, SD1	Committee on Judiciary, then to the Committee on Finance	1078, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
957, SD1	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	1079, SD2	Committee on Agriculture, then to the Committee on Judiciary
958, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	1080, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
962, SD1	Committee on Health, then to the Committee on Finance	1081, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
975, SD1	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	1082, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
981, SD2	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1086, SD1	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce
985, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	1088, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
986, SD2	Jointly to the Committee on Hawaiian Affairs and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1090, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
994, SD1	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Judiciary	1106, SD1	Committee on Health, then to the Committee on Finance
1006, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources	1107, SD1	Committee on Economic Revitalization & Business, then to the Committee on Finance
1025, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	1108, SD2	Committee on Human Services, then to the Committee on Finance

1115, SD2	Committee on Education, then to the Committee on Finance	1215, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
1120, SD2	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance	1217, SD1	Committee on Education, then to the Committee on Finance
1125, SD2	Committee on Housing, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	1219, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1130, SD1	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1220, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1142, SD2	Committee on Agriculture, then to the Committee on Finance	1221, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1145, SD2	Committee on Agriculture, then to the Committee on Finance	1227, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1153, SD1	Committee on Agriculture, then to the Committee on Finance	1233, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1154, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1241, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
1155, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1244, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
1161, SD1	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1247, SD2	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1162, SD2	Committee on Judiciary, then to the Committee on Finance	1269, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
1164, SD2	Committee on Economic Revitalization & Business, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance	1270, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1173, SD2	Committee on Economic Revitalization & Business, then to the Committee on Finance	1272, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1174, SD2	Committee on Education, then to the Committee on Finance	1273, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
1178, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	1274, SD2	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1186, SD2	Committee on Finance	1276, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1187, SD1	Committee on Judiciary, then to the Committee on Finance	1277, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1190, SD1	Committee on Transportation, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	1278, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1195, SD1	Committee on Judiciary, then to the Committee on Finance	1279, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1197, SD2	Committee on Energy & Environmental Protection, then to the Committee on Education, then to the Committee on Finance	1282, SD1	Committee on Education, then to the Committee on Finance
1209, SD1	Committee on Agriculture, then to the Committee on Finance		
1214, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance		

1283, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	1342, SD1	Committee on Transportation, then to the Committee on Judiciary
1284, SD2	Committee on Education, then to the Committee on Finance	1346, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
1285, SD2	Committee on Finance	1347, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1287, SD2	Committee on Finance	1348, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1289, SD2	Committee on Finance	1349, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
1290, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	1355, SD1	Committee on Economic Revitalization & Business, then to the Committee on Finance
1291, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	1357, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1295, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance	1358, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1300, SD2	Committee on Health, then to the Committee on Finance	1360, SD1	Committee on Human Services, then to the Committee on Finance
1301, SD1	Committee on Housing, then to the Committee on Judiciary	1361, SD1	Committee on Human Services, then to the Committee on Finance
1307, SD1	Committee on Public Safety & Military Affairs	1363, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, then to the Committee on Finance
1311, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	1375, SD1	Committee on Education, then to the Committee on Finance
1316, SD1	Committee on Finance	1381	Committee on Health, then to the Committee on Finance
1324, SD2	Committee on Transportation, then to the Committee on Finance	1382, SD2	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
1325, SD1	Committee on Transportation, then to the Committee on Judiciary	1383, SD2	Committee on Education, then to the Committee on Finance
1326, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	1384, SD2	Committee on Education, then to the Committee on Finance
1327, SD2	Committee on Transportation, then to the Committee on Finance	1385, SD2	Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1328, SD1	Committee on Transportation, then to the Committee on Finance	1393, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1329, SD1	Committee on Transportation, then to the Committee on Finance	1394, SD1	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1331, SD2	Committee on Higher Education, then to the Committee on Finance	1416, SD1	Committee on Transportation, then to the Committee on Judiciary
1332, SD2	Committee on Higher Education, then to the Committee on Finance	1417, SD1	Committee on Human Services
1337, SD2	Committee on Agriculture, then to the Committee on Finance	1426, SD2	Committee on Finance
1341, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	1443, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1451, SD1 Committee on Agriculture, then to the Committee on Health

1453, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1458, SD2 Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1460, SD1 Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary

1468, SD2 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

1476, SD2 Committee on Energy & Environmental Protection, then to the Committee on Finance

1481, SD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1482, SD1 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

1483, SD1 Committee on Tourism, then to the Committee on Consumer Protection & Commerce

1484, SD1 Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce

1485, SD1 Committee on Education, then to the Committee on Finance

1487, SD1 Committee on Education, then to the Committee on Finance

1489, SD1 Committee on Judiciary

1491, SD1 Committee on Judiciary, then to the Committee on Finance

1493, SD1 Committee on Transportation, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

1496, SD1 Committee on Economic Revitalization & Business, then to the Committee on Finance

1498, SD2 Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1499, SD1 Committee on Housing, then to the Committee on Consumer Protection & Commerce

1503, SD2 Committee on Education, then to the Committee on Finance

1506, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1511, SD1 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

1516, SD2 Committee on Health, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

1519, SD3 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

1520, SD2 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1521, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance

1522, SD2 Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

1530, SD1 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Tourism, then to the Committee on Finance

1533, SD1 Committee on Judiciary

1538, SD1 Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Finance

1549, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1553, SD1 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1555, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1559, SD2 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. Nos.

Re-referred to:

35 Committee on Transportation, then to the Committee on Consumer Protection & Commerce

698, SD2 Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance

1326, SD2 Jointly to the Committee on Transportation and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

ADJOURNMENT

At 12:28 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, Friday, March 11, 2011. (Representatives Chong, Har and Riviere were excused.)

TWENTY-EIGHTH DAY

Friday, March 11, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:05 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Coffman, Har, Herkes, Nishimoto and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 183 and 1104) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 183, dated February 8, 2011, transmitting the Annual Internal Audit Report and the Maui Regional Board Internal Audit Report, prepared by the Hawaii Health Systems Corporation pursuant to Section 323F-22(d), HRS.

Gov. Msg. No. 1104, informing the House that on March 10, 2011, the following bill was signed into law:

H.B. No. 827, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION." (ACT 004)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 374 and 375) were received and announced by the Clerk:

Sen. Com. No. 374, transmitting S.B. No. 671, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," which passed Third Reading in the Senate on March 10, 2011.

Sen. Com. No. 375, transmitting S.B. No. 893, SD 3, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ACCESS," which passed Third Reading in the Senate on March 10, 2011.

Representative Evans moved that the following Senate Bills pass First Reading by title, seconded by Representative Pine:

S.B. No. 671, SD 2
S.B. No. 893, SD 3

At 12:08 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:09 o'clock p.m.

The motion was put to vote by the Chair and carried, and the noted Senate Bills passed First Reading by title and further action was deferred. (Representatives Coffman, Har, Herkes, Nishimoto and Thielen were excused.)

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 7, 2011, from Kalbert K. Young, Director of Finance, Department of Budget and Finance, transmitting the

FYs 08-14 Non-General Fund Information Report for the Department of Human Services.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative B. Oshiro introduced his University of Hawaii intern who does a mean AC/DC karaoke, Mr. Geoffrey Pullen of Portland Oregon; and Miss Logan Rabago, daughter of Representative Oshiro's office manager, Ms. Reena Rabago.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 946), recommending that H.R. No. 47, be referred jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was referred jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, with Representatives Coffman, Har, Herkes, Nishimoto and Thielen being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 947), recommending that H.C.R. No. 54, be referred jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was referred jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, with Representatives Coffman, Har, Herkes, Nishimoto and Thielen being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 948) recommending that H.R. No. 49, 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. 49, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was adopted, with Representatives Coffman, Har, Herkes, Nishimoto and Thielen being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 949) recommending that H.C.R. No. 56, 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. 56, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY

DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was adopted, with Representatives Coffman, Har, Herkes, Nishimoto and Thielen being excused.

Representatives Aquino and Souki, for the Committee on Public Safety & Military Affairs and the Committee on Transportation presented a report (Stand. Com. Rep. No. 950) recommending that S.B. No. 170, SD 1, 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 S.B. No. 170, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Coffman, Har, Herkes, Nishimoto and Thielen being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 96 and 97) and concurrent resolutions (H.C.R. Nos. 105 and 106) were referred to Printing and further action was deferred:

H.R. No. 96, entitled: "HOUSE RESOLUTION URGING THE MAYOR AND CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO DESIGNATE AALA PARK AS A HOMELESS SAFE ZONE," was jointly offered by Representatives Cabanilla, Hanohano, Manahan, Evans, Ichiyama, Keith-Agaran, Souki and Wooley.

H.R. No. 97, entitled: "HOUSE RESOLUTION URGING THE MAYOR AND CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO UPGRADE EXISTING SEWER SYSTEMS IN THE URBAN CORE BEFORE BUILDING NEW SYSTEMS," was jointly offered by Representatives Cabanilla, Hanohano, Mizuno, Awana, Evans, Hashem, Johanson and McKelvey.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR AND CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO DESIGNATE AALA PARK AS A HOMELESS SAFE ZONE," was jointly offered by Representatives Cabanilla, Hanohano, Manahan, Evans, Ichiyama, Keith-Agaran, McKelvey, Souki and Wooley.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR AND CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO UPGRADE EXISTING SEWER SYSTEMS IN THE URBAN CORE BEFORE BUILDING NEW SYSTEMS," was jointly offered by Representatives Cabanilla, Hanohano, Mizuno, Awana, Evans, Hashem, Johanson and McKelvey.

ANNOUNCEMENTS

Representative Hanohano: "Just an announcement that next week Monday we'll be celebrating the 5th Annual Legislative Hawaiian Caucus Day. If we can have all the Hawaiian Caucus members meet before the Floor session at 11:30 for picture taking. It'll be Hawaiian attire and also bring your coats for the men, and for the women if they want to wear muumuus or aloha print blouse, and also their jackets. Thank you."

Representative McKelvey: "Thank you, Mr. Speaker, at the appropriate time I would like to ask for a moment of silence for the victims of the 3/11 earthquake and tsunami. Thank you, very much."

Representative Awana: "Thank you, Mr. Speaker. To piggyback on what the Representative from Lahaina mentioned in asking for a moment of silence. I'd just like to just make a few comments.

"As the Chair of International Affairs, I'd like to join in the prior request for a moment of silence for the people of Honshu, Japan, where the 8.9 magnitude earthquake took place, decimating the lives and memories of too many to count. This disaster affected not only those in Japan, but many other countries throughout the Pacific Rim, including our State of Hawaii. And for those reasons, I humbly ask for a moment of silence at the appropriate time. Thank you."

Representative Ward: "Mr. Speaker, in keeping with that same spirit, I'd like to thank Speaker Say, the Majority Caucus, the Minority Caucus and this whole Body for staying the course, and opening our daily sessions with prayer. Thank God, no loss of life took place during last night's tsunami. And yes some would say, 'Well, we dodged a bullet.' But some of us would say and contend, and be thankful that there's an invisible hand that pushes us out of the way of the bullet.

"So thank you for keeping the course, and for doing what otherwise we could not have done ourselves. Last night has worked out very well."

Representative Brower: "Yes, Mr. Speaker. I'd just like to thank you and the Members. My grandparent's family members are from Sendai, and having visited Sendai a few years ago it is a very beautiful part of Japan. Thank you."

At this time, the Members of the House of Representatives stood for a moment of silence to remember the victims of the March 11, 2011 earthquake and tsunami generated off the coast of Honshu, Japan.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
367, SD3	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
975, SD1	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1164, SD2	Jointly to the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection, then to the Committee on Finance

ADJOURNMENT

At 12:15 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 14, 2011. (Representatives Coffman, Har, Herkes, Nishimoto and Thielen were excused.)

TWENTY-NINTH DAY

Monday, March 14, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Coffman, McKelvey and Morita, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Eighth Day was deferred.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative C. Lee introduced the 5th and 6th grade students of St. Patrick School and their teachers, Mr. Dan Diffenderfer, Ms. Brittney Aiwohi, Ms. Allison Stone, Ms. Michiko Deutscher, Ms. Brandi De Los Santos, Mr. Vince Ho-Ching and Ms. Cherilyn Inouye.

Representative Marumoto also recognized Mr. Shaun Kim, son of Mrs. Stephanie Kim of the University of Hawaii Government Relations Office.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 102) was announced by the Clerk and the following action taken:

H.R. No. 102, entitled: "HOUSE RESOLUTION CELEBRATING THE 5TH ANNUAL LEGISLATIVE HAWAIIAN CAUCUS DAY," was offered by Representative Hanohano.

Representative Hanohano moved that H.R. No. 102 be adopted, seconded by Representative C. Lee.

The Hawaiian Caucus honored four individuals, seated on the Floor of the House, for their selfless dedication to the Hawaiian culture and community.

Representative Hanohano introduced Mr. Jerry Konanui of Pahoa, well known for his expertise in Hawaiian *kalo*, *awa*, *ko* and *'uala*, and his efforts to perpetuate traditional food and medicinal plants. Seated in the gallery was his wife, Mrs. Gladys Konanui.

Representative Har introduced Uncle Shad Kane of Kapolei, a tireless leader in the Hawaiian community promoting Hawaiian culture and heritage in the Kapolei and West Oahu region. Seated in the gallery were his wife, Mrs. Valerie Kane; and grandson, Mr. Brennan Aiona.

Representative C. Lee introduced Kumu Hula Leina'ala Kalama Heine of Waimanalo, best known for her extensive knowledge and dedication to the tradition of *mele hula* and *mele oli*, and the preservation of Hawaiian culture.

Representative Riviere introduced Kupuna Dorothy Kanani Awai of Haleiwa, Hawaiian studies teacher and long-time *ukulele* and music instructor, perpetuating the tradition of Hawaiian music.

The motion was put to vote by the Chair and carried, and H.R. No. 102 was adopted, with Representatives Carroll, Coffman, McKelvey and Morita being excused.

At 12:23 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

REPORTS OF STANDING COMMITTEES

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. 951) recommending that S.B. No. 1089, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1089, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching 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 Committees was adopted and S.B. No. 1089, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Keith-Agaran, Marumoto, McKelvey, Morita and Nakashima being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 952) recommending that H.B. No. 200, 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 Committee be adopted, and that H.B. No. 200, HD 1, pass Second Reading and be placed on the calendar for 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."

The Chair addressed Representative Ward, stating:

"Please proceed with your reservations. May I incorporate your remarks for this on Third Reading, as well?"

Representative Ward: "Do you mean, will I change my mind, or will I say the same thing that I'm going to say now?"

Speaker Say: "If you will be saying the same thing that you are going to say today, so we can incorporate it and shorten the Journal."

Representative Ward continued, stating:

"Possibly. If my words are taken to heart, I won't have to speak again. If they're not taken to heart, then I have to remind people. There are a few things that need correction. Thank you, Mr. Speaker. And thank you for that primer to my thoughts because first I want to commend the Budget Chair for a job well done, almost. But because it puts the COFA funds as a separate issue, and it takes them out of the purview of what otherwise is now about \$120 million per year for the Micronesians, social, educational, and other budget. It also recognizes that we as an independent Body rejected what otherwise the Fifth Floor, of which many people thought

because the Fifth Floor says it, we're going to do it. And this budget does not reflect that perspective.

"Mr. Speaker, I do have a concern about the tenor and tone of the Committee Report, and I hope that in the Third and Final Reading, I won't have to mention this because it's more like 'tsunami' language. It says the impact of the previous Administration's policy has been widespread, significant, and devastating. I don't think that's very fair or objective. And I know we always like to blame the guys that came before us, but this is not very erudite, nor fair, quite frankly. There's too much that we have control over which we blame people before us.

"The other thing, Mr. Speaker, is that the Council of Revenues, within 24 hours after this budget went in and bumped us up by \$266 million. If we would have waited, maybe there would be less shock value in this budget because right now, there's a huge gap that's been acknowledged within that short period of time. And if we looked at the realities of what happened last Thursday, thank God we're all safe, but look at what's going on in Japan. Japan and the visitor industry is going to be direly affected by that. You can add another \$100 million because of the downturn of Japanese tourism that's going to occur because of the tsunami.

"So the point is we are going to be in deeper trouble than we already had anticipated. We've still got to look for more savings. We've still got to look at some of those structural flaws. Mr. Speaker, we've got 13 hospitals which are bleeding every year. About \$25 to \$50 million. We've got to look at getting those things structured and restructured.

"I'm also concerned that we only have a three-year plan. The six-year plan is what is called for in the Constitution. This is a three-year plan, even though there was a six-year plan submitted, it was the Lingle Administration's one. But what came from the Fifth Floor and what I've seen in this one is only for three years, so we've still got three years to go to see if we're out of the woods.

"One of the last points, Mr. Speaker is, 'Okay, yeah. You Minority guys. You stand up and you make complaints and you give different kinds of slighted comments here and there.' And the often-asked question is the one I'm going to end on. It is, 'Okay what are you, the Minority. What are you going to do about this? Where are your cuts? Where's your balanced budget?'"

"And, Mr. Speaker, I want to announce that the Minority in its second year of going to put out its alternative budget. It's still under construction, but it's going to be at www.hawaii.statebudgetonline.com. So anybody can see it and it's for the public to basically look at an Excel sheet that's interactive. They can choose which revenues that they want to use to fund it. Taxes if they want to increase taxes. They have the choice. And what expenditures they want to add, or they want to subtract.

"So, Mr. Speaker, when somebody says, 'Well they stand up and they complain. But they don't have a delivery system,' www.hawaii.statebudgetonline.com is that delivery system. For the following reasons and those that I've just spoke of, I have strong reservations. Thank you."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Ward 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. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Coffman, Marumoto, McKelvey, Morita and Nakashima being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 953) recommending that H.B. No. 300, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 953 on H.B. No. 300, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 300, HD 2, were made available to the Members of the House.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 954) recommending that H.B. No. 400, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 954 on H.B. No. 400, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 400, HD 1, were made available to the Members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 98 through 101) and concurrent resolutions (H.C.R. Nos. 107 through 111) were referred to Printing and further action was deferred:

H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A SPECIAL TASK FORCE TO INVESTIGATE THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY FOR POSSIBLE VIOLATIONS OF THE HAWAII ADMINISTRATIVE PROCEDURE ACT OR THE SUNSHINE LAW," was offered by Representative Carroll.

H.R. No. 99, entitled: "HOUSE RESOLUTION RECOGNIZING SEPTEMBER 2011 AS EDUCATION AWARENESS AND APPRECIATION MONTH IN HAWAII," was jointly offered by Representatives Mizuno, Brower, Takai and Takumi.

H.R. No. 100, entitled: "HOUSE RESOLUTION REQUESTING WHOLESALERS AND RETAILERS IN HAWAII TO VOLUNTARILY REFRAIN FROM SELLING, PURCHASING, AND DISTRIBUTING PRODUCTS THAT CONTAIN BISPHENOL-A," was jointly offered by Representatives Mizuno, Cabanilla, Thielen, Awana and Brower.

H.R. No. 101, entitled: "HOUSE RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII," was offered by Representative Mizuno.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO INVESTIGATE THE STATUS OF TWO EXECUTIVE AGREEMENTS ENTERED INTO IN 1893 BETWEEN UNITED STATES PRESIDENT GROVER CLEVELAND AND QUEEN LILIUOKALANI OF THE HAWAIIAN KINGDOM, CALLED THE LILIUOKALANI ASSIGNMENT AND THE AGREEMENT OF RESTORATION," was offered by Representative Carroll.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ESTABLISH A SPECIAL TASK FORCE TO INVESTIGATE THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY FOR POSSIBLE VIOLATIONS OF THE HAWAII ADMINISTRATIVE PROCEDURE ACT OR THE SUNSHINE LAW," was offered by Representative Carroll.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING SEPTEMBER 2011 AS EDUCATION AWARENESS AND APPRECIATION MONTH IN HAWAII," was jointly offered by Representatives Mizuno, Brower, Takai and Takumi.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING WHOLESALERS AND RETAILERS IN HAWAII TO VOLUNTARILY REFRAIN FROM SELLING, PURCHASING, AND DISTRIBUTING PRODUCTS THAT CONTAIN BISPHENOL-A," was jointly offered by Representatives Mizuno, Cabanilla, Thielen, Awana and Brower.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII," was offered by Representative Mizuno.

ANNOUNCEMENTS

Representative Yamane, for the Committee on Health requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing with decision making to follow on S.B. No. 1274, SD 2, Relating to Health Insurance, on Tuesday, March 15, at 11:20 a.m. in Conference Room 329, and the Chair "so ordered."

"Mr. Speaker, and Members, just to let you know, the Insurance Commissioner came to me this morning requesting a waiver for this bill due to the fact that without this measure, they're dealing with the issue of federal preemptive. Thank you."

Representative Hanohano: "I would just like to make an announcement for members of the Hawaiian Caucus to meet in front of the Caucus Room for picture taking for those that didn't come the first time, so we'll be all together. Thank you."

Representative Cabanilla: "Mr. Speaker, I would like to make an announcement. Mr. Speaker, Members, in light of the catastrophe and the loss of lives in increasing numbers in Sendai, Japan, I would like to share with you my very delightful experience with spending two successive winters in Sendai, Japan. As a young second lieutenant in the Army Reserves, Mr. Speaker, many, many years ago when the price of Sapporo beer was 25 cents in US dollars, per bottle, I had the opportunity to spend time with Japanese soldiers, as well as the local people in Sendai.

"In Sendai, Mr. Speaker, there was a US Air Force base that was gifted to the Japanese Army. But the recollection that I have of those cold winters was how warm and respectful the people were, and of their inspiring hospitality. When we walked to a restaurant, Mr. Speaker, and there were no empty tables, the locals would stand up so they could offer their tables to us. They would sing karaoke in English just to impress us, and they did a pretty good job at it. As a female soldier, Mr. Speaker, they gave me the same amount of respect as that of the male soldiers.

"As a recipient of their inspiring hospitality, Mr. Speaker and Members, I ask that we pray for them for they have demonstrated in more ways than one, that they are a people who honor us and serve as an ally to this country. Thank you, Mr. Speaker and Members, for listening to my story."

Representative Awana: "Thank you, Mr. Speaker. Again, the people of Hawaii recognize that a large and prominent migration of Japanese have come to settle here in our Aloha State and as stated by President Obama, when we face these kinds of natural disasters whether it is in New Zealand or Japan, then you think about your own family and you think how would you feel if you lost a loved one or if your entire life savings were gone because of the devastation.

"Mr. Speaker and Members, we too faced the possibility of a tsunami hitting us during the early morning of March 11. Substantial damages were sustained in both Maui and Hawaii counties. And this time we were spared compared to what could have been. Let this be a call to action to live life to its fullest because it can be taken away in a matter of minutes. Thank you, Mr. Speaker."

At 12:43 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

Speaker Say: "The Chair has an announcement to make this afternoon and for all the Members. For all of us, this is a day of loss for the House of Representatives, but a day of great benefit to the citizens of the State of Hawaii. Representative Hermina Morita will be resigning from the House today to assume the Chairpersonship of the Public Utilities Commission.

"Governor Abercrombie has made a fine choice in appointing her to that position. We all know of Representative Morita's work ethic, intelligence, and dedication to the public good. These attributes will enable her to lead the Public Utilities Commission and the State of Hawaii to a better future.

"Representative Morita, at this time, on behalf of your colleagues in the House, we would like to present you with this token of our appreciation and friendship. Representative Blake Oshiro, please proceed."

At this time, Representative B. Oshiro presented Representative Morita with a gavel on behalf of the House of Representatives.

Representative Tokioka: "Thank you, Mr. Speaker. Mr. Speaker, it is a very proud day for Kauai today. Two of our former legislators were confirmed by the Senate today. I'm assuming that former Senator Hooser was confirmed as well, right? So on behalf of all of the people on Kauai, we want to extend to the Representative from Hanalei our best wishes. We know that she will do an excellent job at the PUC. We know that the people on Kauai will be better served. We know that the State of Hawaii will be better served with you there, Mina. Congratulations on your appointment. Mahalo."

Representative Ward: "Mr. Speaker, on behalf of your Minority we wish to also commend the Representative for a new era, and I know Representative Thielen is going to really miss you, and Representative Riviere. They're going to pine for the environmental excellence that you bring.

"But, Mr. Speaker, I hope that she will not leave until renewable energy is ingrained, institutionalized, and we are off that \$7 billion which you've stood and spoken so often about on this Floor. Well done, and may I propose a standing ovation for our illustrious Member from Kauai. Thank you."

Representative Belatti: "Thank you, Mr. Speaker. I know that it's not usual for someone to stand on this, but I think I do want to make a few remarks. I stand with deepest Aloha for my colleague from Hanalei. A quote by Margaret Mead probably most explains or applies to the Representative of Kauai. It's that you should never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it's the only thing that ever does. And Mina embodies that type of small, but thoughtful, committed citizen that can move the world.

"The following are just a few of the accolades afforded to the Representative during her recent confirmation hearings as Chairwoman. Mina leaves a legacy of environmental policy advances. There is simply no person in Hawaii who knows more about energy than Mina. She tackles important policy changes before most people even understand their implications, and she operates with integrity and keeps her word.

"Mr. Speaker, as you said, it is truly a loss for this Chamber that Mina will be leaving us, but it is a gain for the State to have a Chair who understand the necessity and complexity of modernizing Hawaii's regulatory systems so that we can achieve that prosperous and sustainable future for Hawaii that we all want. I am honored to count the senior Representative from Kauai as a role model, mentor and friend, and she will be missed.

"And if there's one quote that I would hold deeply as I move forward in my career it is what she has once said on this Floor in these Chambers.

That doing nothing is not an option, not if we call ourselves leaders. Thank you to the Representative from Kauai, for all of her service."

Representative M. Lee: "Thank you, Mr. Speaker. It's sort of a sad and a happy day for me personally. In 1996 Mina and I came in together, and we're the last two left of the class of 1996, so I guess I'll have to tough it out alone. I wanted to share some of the things that Mina and I have shared together over the years because it's really been a wonderful friendship.

"Thank you, Mina, for sharing things like the ferry from Lahaina to Kauai. Limahuli Garden, which is so beautiful. Swimming in that freshwater mountain stream; kind of risky when you think about some of the diseases you can catch. Sharing a Corona while watching the sunset. Hiking the Alakai Swamp. Being Flemming Fellows in China, which was really a special experience thanks to Roy who's sitting there kind of dozing off. And thank you also for being the partner with Representative Thielen and I on the Women's Caucus. You've always been willing to speak up for the tough issues. Always been willing to give the speech on emergency contraception when others wouldn't, and you don't know how much I appreciate that.

"We'll miss you very much, but after all you are not going to Mars. You're going to be almost right next door. And so we hope that we'll be able to share other experiences with you in the future. But again you will be remembered for your hard work here in the Legislature, and for your insistence upon making good policy. You'll be remembered for the 'Bottle Bill.' I want to thank you very much for your friendship and for what you've given to this House. Aloha."

Representative Tokioka: "Mr. Speaker, not an announcement but I know how shy Representative Morita is, but can we ask her to introduce her family because I know how much she loves her grandchildren and her family. So, Mr. Speaker, could we ask the Representative to do that? Thank you."

Representative Takumi: "Thank you very much, Mr. Speaker. Before Representative Morita stands up and introduces her family and gives her final remarks into the Journal, I'd be remiss if I didn't say a few words as well.

"First of all, Mina, I thought for sure I'd be before you. But heck, I'm still here and you're going to be leaving so that's a commendation on your part I suppose. We first met when Mina decided to run for office and I still remember sitting down with her, and I left that meeting with her realizing that here's this woman, and I think that for those of you who know Mina's history, born and raised on Lanai in a very simple family in the best sense of the word. The kind of values that you have growing up in a small community like Lanai and boarded at Kamehameha School, and after that moving to Washington D.C. to work for Senator Hiram Fong, a Republican. That goes to show you she's bipartisan in that respect.

"And so I always was amazed that someone who was born and raised on Lanai who kind of had dreams for herself, ended up in Washington D.C. and ended up on Kauai with Lance to raise a wonderful family. And here she is today and still that same person, unassuming and modest. And we found out how stubborn she can be as well, but stubborn in the very best sense of the word, Mr. Speaker, because stubborn also means someone who can persevere. Someone who is focused. Someone that remains committed to the common goal that we all believe in and that is for a better Hawaii. And I think that kind of skill set will serve her well as Chair of the Public Utilities Commission.

"So I'm going to miss Mina a lot, but again she's going to be just down the road so it's not like she's going anywhere anytime soon. We wish her the best, and we know she'll do a wonderful job for the State of Hawaii. Thank you, Mr. Speaker."

Representative Morita: "Thank you, Mr. Speaker. I'm kind of bummed that I missed the Roll Call this morning. That was supposed to be my last roll call and votes. And I'm sorry to keep you waiting, and thank you for my gavel. As Chair of the Public Utilities Commission I can guarantee you that I will be making good use of it. So thank you.

"I'd like to introduce my family. My two daughters are here. My daughter Mindy Laney. And my daughter Misha Taylor, and my son-in-law Ben Taylor. Also my three granddaughters. We have Mindy's daughter Halia Tinder; and Ben and Misha's daughters Kauanoe Taylor, and Lililehua Taylor who turned four today. I also have my sisters, Phyllis McFadden, Alberta de Jetley, and my *hanai tita*, Suki Nakoa. My husband Lance is out of state right now.

"If I may, Mr. Speaker, I have a statement. I've always thought that when I left the Legislature that it would be to return to Hanalei and to retire. Never in my wildest dreams did I think that I'd be leaving without completing a term, and to take on a new challenge. And here I am today to say goodbye and thanking my colleagues. I didn't even participate in my last Floor session, but thank you.

"And as the Representative from Mililani-Mauka said, I am leaving her and she will be the last remaining person from the freshman class of 1997. It's been a privilege and honor to serve the Island of Kauai and the State of Hawaii for the past 15 years. Mr. Speaker, I am extremely grateful to you and my colleagues for your continued confidence in me to have Chaired the House Committee on Energy and Environmental Protection for the past 13 years.

"This leadership assignment undoubtedly helped to define my legislative career and opened the opportunity for me to further serve the State of Hawaii as the Chair of the Public Utilities Commission. This would not have been possible without all of your support and faith in me. Thank you.

"Under the current PUC Chair, Carlito Caliboso's thoughtful and steady leadership, the PUC has been evolving to keep up with the changing technology and innovation to meet the State's changing policies and consumer demands. I hope to build upon this foundation in a strong partnership with my fellow Commissioners, the Legislature and the Administration to enhance the capacity of the PUC to serve the needs of this State in the most cost effective way. And I know I'll be appearing before the CPC Committee and Finance Committee on many issues. So I'll just be sitting on the other side of the table now.

"But before I leave, I wanted to share some thoughts with you that have helped me navigate the political arena in the past 15 years and I think it's quite appropriate since it's Hawaiian Caucus Day.

"Years ago, I saw an embroidered pillow at a friend's house and it read, 'Be careful of the toes you step on today. It might be connected to the ass you have to kiss tomorrow.' So be kind and gentle to each other, and practice Hawaii's triple bottom line, the values that identify us as a special state. *Aloha*, to practice compassion and love, *Kuleana*, to take responsibility for one's action. And *malama pono*, to do what is right and just.

"These are the Hawaii values that we share to build stronger families, a better work environment and sustainable communities. As I look forward to taking on this new challenge I leave you with a heavy heart because of all the many special relationships I have formed with my colleagues and our dedicated support staff.

"I especially want to thank Jen Lucien, my office manager who has not only been a dedicated staff member, but a trusted friend and confidant. Merissa and Lahela, you both have been so awesome and I'm sorry to leave you, but I know the person that takes my place will be in good hands with both of you. And I thank my family, my family on Kauai, Lanai and Oahu. And my good friends, Carol and Gaylord Wilcox, and a special friend, Harold Bronstein. These people have been the pillars of my support.

"Mr. Speaker and colleagues, I am sad, but our work together will continue, just with me in another capacity, in a different role as we strive to build a better future for Hawaii. Thank you."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R.
Nos.

Referred to:

- 96 Committee on Housing, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 97 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 98 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 99 Committee on Education
- 100 Committee on Health, then to the Committee on Consumer Protection & Commerce
- 101 Committee on Human Services, then to the Committee on Finance

H.C.R.
Nos.

Referred to:

- 105 Committee on Housing, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
- 106 Committee on Energy & Environmental Protection, then to the Committee on Finance
- 107 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Legislative Management
- 108 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 109 Committee on Education
- 110 Committee on Health, then to the Committee on Consumer Protection & Commerce
- 111 Committee on Human Services, then to the Committee on Finance

S.B.
Nos.

Referred to:

- 671, SD2 Committee on Judiciary, then to the Committee on Legislative Management
- 893, SD3 Committee on Health, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B.
Nos.

Re-referred to:

- 40, SD2 Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

41, SD1 Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce

142, SD1 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

741, SD1 Jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

831, SD2 Committee on Finance

ADJOURNMENT

At 1:13 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, Tuesday, March 15, 2011. (Representatives Carroll, Coffman, Marumoto, McKelvey and Nakashima were excused.)

OTHER COMMUNICATIONS**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

March 14, 2011

RECEIVED**2011 MAR 14 P 12:54****CHIEF CLERK'S OFFICE
HOUSE OF
REPRESENTATIVES**

The Honorable Calvin Say
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Speaker Say:

I wish to inform you that I have accepted an appointment by Governor Neil Abercrombie to serve as a Public Utilities Commissioner per the attached Governor's Message No. 523. Therefore, I hereby submit my notice of resignation as State Representative, House District 14 effective March 14, 2011, 3:00 p.m.

It has been a privilege and honor to serve the island of Kauai and State of Hawaii for the past fifteen years. I am especially grateful for your and my colleagues' continued confidence in me to have chaired the House Committee on Energy & Environmental Protection for the past thirteen years. This leadership assignment undoubtedly helped to define my legislative career and opened the opportunity for me to further serve the State of Hawaii as the Chair of the Public Utilities Commission.

As I look forward to taking on this new challenge, I leave the people's house with a heavy heart because of the many special relationships I have formed with my colleagues and the dedicated support staff within this venerable institution. However, I know our work will continue together as we all strive for a better future for Hawaii.

Sincerely yours,

Hermina M. Morita

cc: The Honorable Neil Abercrombie, Governor, State of Hawaii
Ms. Pat Mau-Shimizu, Chief Clerk, Hawaii State House of Representatives

District 14, East and North Kauai
Chair, Energy & Environmental Protection Committee
State Capitol Building, Room 314, Honolulu, Hawaii 96813
Phone (808) 586-8435, Fax (808) 586-8437, Email: reportmora@capitol.hawaii.gov



GOV. MSG. NO. 523

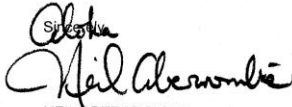
EXECUTIVE CHAMBERS
HONOLULUNEIL ABERCROMBIE
GOVERNOR

February 4, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear President Tsutsui and Members of the Senate,

In accordance with the provisions of Section 269-2, of the Hawaii Revised Statutes, I am herewith submitting the appointment of Hermina Morita to serve as Public Utilities Commissioner to the Senate, for its consideration and appointment. The expiration date of this appointment is June 30, 2014.


NEIL ABERCROMBIE
Governor, State of Hawaii

RECEIVED
SENATE
OFFICE OF THE PRESIDENT
71 FEB 11 P2:35

THIRTIETH DAY

Tuesday, March 15, 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 the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Hanohano, Jordan, M. Oshiro and Wooley, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Ninth Day was deferred.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Choy introduced MBA students from the University of Hawaii Shidler College of Business learning the legislative process: Mr. Nicholas Dvonch, Ms. Jacqui Low, Ms. Rachel Mack and Mr. Andrew Strother.

Representative Choy also noted that Nicholas Dvonch is the son of House Chief Attorney, Mr. Richard Dvonch.

Representative Mizuno welcomed social work students from the University of Hawaii at Manoa, Hawaii Pacific University and BYU Hawaii who were participating in the Social Work Legislative Day.

Representative Belatti welcomed the students, teachers and media professionals with the PBS Hawaii *Hiki No* student news network.

Representative Luke then introduced the *Hiki No* team members:

Ms. Leslie Wilcox, Executive Director, PBS Hawaii;
Mr. Robert Pennybacker, Managing Editor, Hiki No;
Ms. Sue Yim, Managing Editor, PBS Hawaii;
Mr. Lawrence Pacheco, Managing Editor, Hiki No;
Ms. Meriel Collins, Communications Assistant, PBS Hawaii;
Mr. Chris Lee, Founder, Academy of Creative Media, UH Manoa; and
Ms. Nani Daniels, Area manager K-12 Education, Apple Inc.

Roosevelt High School Student Team Members

Ms. Charleen Ego, Teacher, Roosevelt High School;
Ms. Daralyn Siu Ling Yee;
Ms. Jessica Mahealani Camat;
Ms. Chelsea M. Nagaishi-Choi;
Ms. Aleya K. Foster;
Ms. Melinda W. Kwok;
Ms. Zoe Piikea Young;
Mr. Konohia Scott; and
Mr. David J. Mo.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 118) was announced by the Clerk and the following action taken:

H.R. No. 118, entitled: "HOUSE RESOLUTION RECOGNIZING NORMAN SAKATA FOR HIS CONTRIBUTION TO THE KONA COFFEE CULTURAL FESTIVAL," was jointly offered by Representatives Evans, Chang, Coffman, Hanohano, Herkes, Nakashima and Tsuji.

Representative Evans moved that H.R. No. 118 be adopted, seconded by Representative Coffman.

Representative Evans commended third-generation coffee farmer, Mr. Norman Sakata and thanked him for his vision and dedication to the Kona Coffee Cultural Festival.

Representative Coffman then introduced Mr. Sakata's wife, Mrs. Marilyn Sakata who was seated with him on the Floor of the House, and thanked her for being the 'backbone of the family.'

Representative Coffman then introduced family and friends who were seated in the gallery:

Sons, Mr. Clyde Sakata and Mr. Blaine Sakata;
Daughter, Ms. Michelle Johnson;
Brother, Mr. Albert Sakata;
Cousins, Mr. Wilfred and Mrs. Rachael Soon, and Ms. Leslie Fujiwara;
and
Friends, Mr. Charles Cook, Mr. Ernest Chang, Mr. Bobby Lee, Ms. Charlotte Graham, Mr. Clifford Wong, and Mr. Rick Robinson.

Representative Herkes also congratulated his long-time friend, Mr. Norman Sakata, and thanked him for his dedication to the Kona Coffee Festival, the Grand Parade, and the coffee community.

Representative Yamashita then recognized and thanked Mr. Sakata for his involvement with the Boy Scouts of Hawaii, and the Scouting program on Maui.

Representative Ching then thanked Mr. Sakata for his work with the Lion's Club of Hawaii and the many projects that serve the community.

The motion was put to vote by the Chair and carried, and H.R. No. 118 was adopted, with Representatives Hanohano, Har, Jordan and M. Oshiro being excused.

The following resolution (H.R. No. 119) was announced by the Clerk and the following action taken:

H.R. No. 119, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE SHERATON HAWAII BOWL ON CONDUCTING THEIR 10TH ANNIVERSARY GAME," was jointly offered by Representatives Nishimoto and Takai.

Representative Nishimoto moved that H.R. No. 119 be adopted, seconded by Representative Takai.

Representative Nishimoto congratulated the Sheraton Hawaii Bowl on their upcoming 10th Anniversary game, and recognized a few of the many individuals who play an integral part of its success who were seated on the Floor of the House:

Mr. Clint Overby, Senior Director of Events for ESPN Regional Television;

Mr. David Matlin, Executive Director for the Sheraton Hawaii Bowl;

Mr. Hugh Yoshida, Chair of the Sheraton Hawaii Bowl;

Mr. Keith Vieira, Senior Vice President of Operations for Starwood Hotels & Resorts, Hawaii and French Polynesia; and

Mr. Ernest Nishizaki, Executive Vice President and Chief Operating Officer of Kyo-Ya Management Co., Ltd.

Representative Nishimoto then introduced the staff members of the Sheraton Hawaii Bowl who were seated in the gallery: Mr. Daryl Garvin, Mr. Brad Motooka and Ms. Tamarah Tabor.

Representative Takai also commended the Sheraton Hawaii Bowl and thanked them for not only the opportunities provided to our local athletes,

sports fans, and the University of Hawaii, but also for all they do for our community and the State of Hawaii.

Representative Ward recognized his constituent, Mr. Ernest Nishizaki, and thanked him for his support and service to Kaiser High School.

The motion was put to vote by the Chair and carried, and H.R. No. 119 was adopted, with Representatives Chong, Hanohano, Har, Jordan and M. Oshiro being excused.

At 12:35 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 103 through 117) and concurrent resolutions (H.C.R. Nos. 112 through 137) were referred to Printing and further action was deferred:

H.R. No. 103, entitled: "HOUSE RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION," was jointly offered by Representatives Belatti, Brower, Ching, Luke, Manahan, Mizuno, Nishimoto, Rhoads and Saiki.

H.R. No. 104, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS TO ESTABLISH A MASTER'S DEGREE PROGRAM IN ETHNIC STUDIES IN THE ETHNIC STUDIES DEPARTMENT AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Takumi.

H.R. No. 105, entitled: "HOUSE RESOLUTION REQUESTING THE PROVISION OF SECURITY AT THE HAWAII STATE HOSPITAL," was offered by Representative Aquino.

H.R. No. 106, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ISSUE A REQUEST FOR PROPOSALS TO REPLACE THE EXISTING HIGHWAY LIGHTING SYSTEMS ON STATE ROADS WITH LIGHT-EMITTING DIODE (LED) LIGHTING SYSTEMS," was jointly offered by Representatives Chang, Awana, Herkes, Ito, Mizuno, Thielen, Tokioka, Tsuji, Aquino, Choy, Cullen, Har, Keith-Agaran, M. Lee, Nishimoto, M. Oshiro, Rhoads, Souki and Takumi.

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ADOPT RULES TO REQUIRE INSTALLERS OF AFTERMARKET MOBILE ELECTRONICS TO EDUCATE CUSTOMERS REGARDING APPLICABLE NOISE LAWS; THE COUNTY POLICE DEPARTMENTS VIGOROUSLY ENFORCE LAWS RELATING TO PROHIBITED NOISE; AND MOTOR VEHICLE OWNERS BE RESPECTFUL OF OTHERS WHEN USING THEIR AUDIO EQUIPMENT," was jointly offered by Representatives M. Lee, Awana, Chong, Mizuno, Rhoads, Tsuji, Hashem, Ichiyama, Manahan, Souki and Yamashita.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," was jointly offered by Representatives Tsuji, Brower, Chang, Chong, Choy, Coffman, Evans, Hanohano, Hashem, Herkes, Ito, Marumoto, McKelvey, Nakashima, Tokioka, Yamane and Yamashita.

H.R. No. 109, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RETURN HAWAII PRISONERS HELD IN MAINLAND FACILITIES AND TO CONSTRUCT A NEW CORRECTIONAL FACILITY AT PANAWEA NEAR HILO," was jointly offered by Representatives Chang, Aquino, Coffman, Cullen, Evans, Hanohano, Herkes, Nakashima and Tsuji.

H.R. No. 110, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS AND PRESIDENT OF THE UNITED STATES TO ENACT LEGISLATION THAT WOULD LEGALIZE AND REGULATE ONLINE POKER," was offered by Representative Brower.

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO REVIEW THE DUTIES AND RESPONSIBILITIES OF THE AGRIBUSINESS DEVELOPMENT CORPORATION AND MAKE RECOMMENDATIONS TO IMPROVE THE CORPORATION'S EFFICIENCY AND PROGRAMS TO BETTER ADDRESS CURRENT AND FUTURE AGRICULTURAL ISSUES," was jointly offered by Representatives Tsuji, Awana, Chang, Choy, Evans, Hashem, Ichiyama, Ito, Keith-Agaran, B. Oshiro, Yamashita, Rhoads and Souki.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW CONFIDENTIALITY LAWS PERTAINING TO COURT INVOLVED, MULTI-AGENCY YOUTH," was jointly offered by Representatives Tsuji, Awana, Chang, Choy, Evans, Hashem, Ichiyama, Ito, Keith-Agaran, B. Oshiro, Yamashita, Rhoads and Souki.

H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DETERMINE HOW TO EXPAND SCHOOL GARDENS PROGRAMS STATEWIDE," was jointly offered by Representatives B. Oshiro, Belatti, Hashem, Tsuji, Wooley and Takumi.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING ALL ACTIVE, RESERVE, AND GUARD COMPONENTS OF THE UNITED STATES MILITARY AND THE ACTIVE AND RESERVE COMPONENTS OF THE UNITED STATES COAST GUARD TO MAKE RESOURCES AVAILABLE TO IMPROVE THE OPPORTUNITIES FOR CONTINUAL CARE FOR THE DOMESTIC ANIMALS OWNED BY MEMBERS OF THE UNITED STATES MILITARY AND UNITED STATES COAST GUARD WHO ARE REQUIRED TO DEPLOY OR RELOCATE," was jointly offered by Representatives B. Oshiro, Aquino, Cullen, Johanson, M. Oshiro and Thielen.

H.R. No. 115, entitled: "HOUSE RESOLUTION URGING THE REDUCTION OF VOTING MAJORITY OF THE STATE REHABILITATION COUNCIL ON KAUAI TO TEN, TO ALLOW FOR QUORUM AT COUNCIL MEETINGS," was jointly offered by Representatives Mizuno and Tokioka.

H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE THE DIFFERENT TYPES OF CLOSED PRIMARIES CONDUCTED BY OTHER STATES AND THE CORRESPONDING EFFECT ON VOTER TURNOUT," was jointly offered by Representatives Keith-Agaran, Carroll, Choy, Ito, C. Lee, Luke, Mizuno, Nakashima, Nishimoto, B. Oshiro, Rhoads, Say, Souki, Takumi, Tokioka, Yamane and Yamashita.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS," was jointly offered by Representatives Keith-Agaran, Aquino, Evans, Hanohano, Luke, B. Oshiro, Say, Souki, Tsuji, Herkes, Ito and Rhoads.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONTRACT WITH INDEPENDENT RESEARCHERS TO REVIEW HAWAII'S DRUG POLICIES AND EVALUATE THEIR SOCIAL AND ECONOMIC IMPACTS," was offered by Representative Hanohano.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HAWAII HIGH SCHOOLS TO PROVIDE HAWAIIAN LANGUAGE CLASSES," was offered by Representative Hanohano.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE REPAIR OF CULTURALLY SIGNIFICANT PLACES ON THE GROUNDS OF 'IOLANI PALACE," was offered by Representative Hanohano.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A TASK FORCE TO CONSIDER WHETHER THE TWO DEPARTMENTS SHOULD ENTER INTO A MEMORANDUM OF UNDERSTANDING TO HAVE THE DEPARTMENT OF HAWAIIAN HOME LANDS ADMINISTER AND OPERATE A COMMUNITY-BASED PROGRAM FOR OFFENDERS ON HAWAII ISLAND," was offered by Representative Hanohano.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO REPORT ON STRATEGIES AND RESOURCES TO REDUCE RECIDIVISM AMONG NATIVE HAWAIIANS," was offered by Representative Hanohano.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A HAWAIIAN CULTURAL RESOURCES WORKING GROUP TO DEVELOP AN ACTION PLAN FOR THE ESTABLISHMENT AND MAINTENANCE OF A COMPREHENSIVE HAWAIIAN CULTURAL RESOURCES INVENTORY DATABASE," was jointly offered by Representatives Hanohano and Brower.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PROVISION OF OPPORTUNITIES FOR COMMUNITY INPUT ON POTENTIAL USES FOR THE FORMER KULANI CORRECTIONAL FACILITY," was offered by Representative Hanohano.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION," was jointly offered by Representatives Belatti, Brower, Ching, Luke, Manahan, Mizuno, Nishimoto, Rhoads and Saiki.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO ESTABLISH A MASTER'S DEGREE PROGRAM IN ETHNIC STUDIES IN THE ETHNIC STUDIES DEPARTMENT AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Takumi.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PROVISION OF SECURITY AT THE HAWAII STATE HOSPITAL," was offered by Representative Aquino.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ISSUE A REQUEST FOR PROPOSALS TO REPLACE THE EXISTING HIGHWAY LIGHTING SYSTEMS ON STATE ROADS WITH LIGHT-EMITTING DIODE (LED) LIGHTING SYSTEMS," was jointly offered by Representatives Chang, Awana, Herkes, Ito, Mizuno, Thielen, Tokioka, Tsuji, Aquino, Choy, Cullen, Har, Keith-Agaran, M. Lee, Nishimoto, M. Oshiro, Rhoads, Souki and Takumi.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ADOPT RULES TO REQUIRE INSTALLERS OF AFTERMARKET MOBILE ELECTRONICS TO EDUCATE CUSTOMERS REGARDING APPLICABLE NOISE LAWS; THE COUNTY POLICE DEPARTMENTS VIGOROUSLY ENFORCE LAWS RELATING TO PROHIBITED NOISE; AND MOTOR VEHICLE OWNERS BE RESPECTFUL OF OTHERS WHEN USING THEIR AUDIO EQUIPMENT," was jointly offered by Representatives M. Lee, Awana, Chong, Mizuno, Rhoads, Tsuji, Hashem, Ichiyama, Manahan, Souki and Yamashita.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," was jointly offered by Representatives Tsuji, Brower, Chang, Chong, Choy, Coffman, Evans, Hanohano, Hashem, Herkes, Ito, Marumoto, McKelvey, Nakashima, Tokioka, Yamane and Yamashita.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RETURN HAWAII PRISONERS HELD IN MAINLAND FACILITIES AND TO CONSTRUCT A NEW CORRECTIONAL FACILITY AT PANAWEA NEAR HILO," was jointly offered by Representatives Chang, Aquino, Coffman, Cullen, Evans, Hanohano, Herkes, Nakashima and Tsuji.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN EARNED-TIME PROGRAM," was offered by Representative Hanohano.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO ESTABLISH A TASK FORCE TO EXAMINE HOW THE COMPENSATION OF STATE AND COUNTY EMPLOYEES IN THE STATE COMPARES WITH THAT OF GOVERNMENT EMPLOYEES IN OTHER STATES AND JURISDICTIONS," was offered by Representative Rhoads.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO REVIEW POLICIES AND PROCEDURES FOR STATE FUNDED DRUG COVERAGE PROGRAMS AND SERVICES ON THE USE OF REBATES, MANUFACTURER PAYMENTS, INCENTIVES, PRESCRIPTION REIMBURSEMENTS AND PATIENTS RIGHT TO SELECT A PHARMACY PROVIDER OF THEIR OWN CHOICE," was jointly offered by Representatives Tokioka and Yamane.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE INFERTILITY PROCEDURE COVERAGE," was offered by Representative Brower.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS AND PRESIDENT OF THE UNITED STATES TO ENACT LEGISLATION THAT WOULD LEGALIZE AND REGULATE ONLINE POKER," was offered by Representative Brower.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO REVIEW THE DUTIES AND RESPONSIBILITIES OF THE AGRIBUSINESS DEVELOPMENT CORPORATION AND MAKE RECOMMENDATIONS TO IMPROVE THE CORPORATION'S EFFICIENCY AND PROGRAMS TO BETTER ADDRESS CURRENT AND FUTURE AGRICULTURAL ISSUES," was jointly offered by Representatives Tsuji, Awana, Chang, Choy, Evans, Hashem, Ichiyama, Ito, Keith-Agaran, B. Oshiro, Yamashita, Rhoads and Souki.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW CONFIDENTIALITY LAWS PERTAINING TO COURT INVOLVED, MULTI-AGENCY YOUTH," was jointly offered by Representatives Tsuji, Awana, Chang, Evans, Hashem, Ichiyama, Ito, Keith-Agaran, B. Oshiro, Yamashita, Choy, Rhoads and Souki.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DETERMINE HOW TO EXPAND SCHOOL GARDENS PROGRAMS STATEWIDE," was jointly offered by Representatives B. Oshiro, Belatti, Hashem, Tsuji, Wooley and Takumi.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL ACTIVE, RESERVE, AND GUARD COMPONENTS OF THE UNITED STATES MILITARY AND THE ACTIVE AND RESERVE COMPONENTS OF THE UNITED STATES COAST GUARD TO MAKE RESOURCES AVAILABLE TO IMPROVE THE OPPORTUNITIES FOR CONTINUAL CARE FOR THE DOMESTIC ANIMALS OWNED BY MEMBERS OF THE UNITED STATES MILITARY AND UNITED STATES COAST GUARD WHO ARE REQUIRED TO DEPLOY OR RELOCATE," was jointly offered by Representatives B. Oshiro, Aquino, Cullen, Johanson, M. Oshiro and Thielen.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE REDUCTION OF VOTING MAJORITY OF THE STATE REHABILITATION COUNCIL ON KAUAI TO TEN, TO ALLOW FOR QUORUM AT COUNCIL MEETINGS," was jointly offered by Representatives Mizuno and Tokioka.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE THE DIFFERENT TYPES OF CLOSED PRIMARIES CONDUCTED BY OTHER STATES AND THE CORRESPONDING EFFECT ON VOTER TURNOUT," was jointly offered by Representatives Keith-Agaran, Carroll, Choy, Ito, C. Lee, Luke, Mizuno, Nakashima, Nishimoto, B. Oshiro, Rhoads, Say, Souki, Takumi, Tokioka, Wooley, Yamane and Yamashita.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS," was jointly offered by Representatives Keith-Agaran, Aquino, Evans, Hanohano, Luke, B. Oshiro, Say, Souki, Tsuji, Herkes, Ito and Rhoads.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, today is Identity Marker Day. It is the Ides of March. It is also the 30th day when we have passed the halfway point this session for this legislative period. Thank you."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B. Nos.

Re-referred to:

2, SD2	Committee on Hawaiian Affairs, then to the Committee on Finance
119, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
582, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
796, SD2	Committee on Economic Revitalization & Business, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1086, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
1173, SD2	Committee on Education, then to the Committee on Finance
1215, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1521, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

ADJOURNMENT

At 12:44 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, Wednesday, March 16, 2011. (Representative Chang, Hanohano, Har, Jordan, Saiki and Yamane were excused.)

OTHER COMMUNICATIONS

A copy of the following Senate Communication to the Governor was received by the Clerk:

"March 15, 2011

The Honorable Neil Abercrombie
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Abercrombie:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 1187, S.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO PROVIDE FOR THE ELECTION OF THE ATTORNEY GENERAL."

S.B. No. 1195, S.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII."

Respectfully,
/s/ Carol T. Taniguchi
CAROL T. TANIGUCHI
Clerk of the Senate

Enclosures

cc: Patricia Mau-Shimizu
Clerk of the House"

THIRTY-FIRST DAY

Wednesday, March 16, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:10 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representative Thielen, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirtieth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 1105) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1105, informing the House that on March 14, 2011, the following bill was signed into law:

S.B. No. 8, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 005)

At 12:12 o'clock p.m. Representative Takumi requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:13 o'clock p.m.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Ward introduced his intern, Mr. Masanori Yuasa of Japan.

Representative Johanson introduced former Representative Lynn Finnegan and her husband, Mr. Peter Finnegan.

Representative B. Oshiro welcomed members of Governor Abercrombie's Cabinet, as well as members of his Policy Office.

Representative Takumi introduced outstanding educators who were recognized and honored for their contributions to Hawaii's students:

Ms. Frances Corcoran of Kahuku Public & School Library, the 2010 Librarian of the Year;

Ms. Jean Ann Flaherty of Princeville Public Library, recipient of the 2010 Excellence in Service Award;

Ms. Irmagard Pickard of Pearl City Public Library, recipient of the 2010 Excellence in Service Award;

Ms. Yannabah Lewis of Kealahou High, recipient of the 2009 Presidential Award for Excellence in Mathematics and Science Teaching;

Mr. John Constantinou of Keahu High, recipient of the 2009 Presidential Award for Excellence in Mathematics and Science Teaching;

Ms. Nancy Boyer of Dole Middle School, the first school in the State of Hawaii to earn the National College for Every Student Program's 2010 School of Distinction Award; and

Ms. Arlene Kon, Ms. Noelani Mahoe, Ms. Kawaiula Branco and the many *kupuna* educators on behalf of the Department of Education's Kupuna Program, which just celebrated its 30th anniversary.

Representative Tokioka also introduced Ms. Marlice Friedlander of the Princeville Public Library.

At 12:20 o'clock p.m. Representative Takumi requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

ORDER OF THE 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 House Bills for Third Reading by consent calendar. (Representatives Saiki, Souki and Thielen were excused.)

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 953) recommending that H.B. No. 300, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 300, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 48 ayes, with Representatives Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 954) recommending that H.B. No. 400, 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 H.B. No. 400, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 48 ayes, with Representatives Souki and Thielen being excused.

At 12:26 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 300, HD 2
H.B. No. 400, HD 1

REPORTS OF STANDING COMMITTEES

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 955), recommending that H.R. No. 63, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 63, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with strong reservations on Stand. Com. Rep. No. 955. I wish we could cite speeches we gave 10 years ago or even longer because this is the same speech I've had for years about the 'Olelo coverage of which my vision was this would be a CSPAN that everybody, at any time, will know exactly what we do and what we're doing in Committees, the Floor – open, transparent.

"Mr. Speaker, what we're doing is basically, 'same old, same old.' In fact, I think it's still the same price that Mr. Booth gets, and I thank him for

keeping his prices down, but still this is command and control from the Speaker. He decides who gets coverage, who doesn't get coverage, what kind of coverage is put together, and what kind is not. I think we need to be more open and have more coverage, and it should be a committee or a task force, and not just the Speaker.

"He's done a good job, but I think we can do better with a collective mind. For those reasons, I have very serious reservations. Thank you."

Representative Saiki 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.R. No. 63, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS AND WEBCASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was referred to the Committee on Finance, with Representative Thielen being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 956), recommending that H.R. No. 24, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 957), recommending that H.C.R. No. 27, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 24; and H.C.R. No. 27, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Cabanilla rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Resolution 24 and House Concurrent Resolution 27. These Resolutions urge the Honolulu City Council to extend the Historic Property Tax exemptions to infill homes within the Ewa Villages Historic District.

"The aesthetic appearance and physical maintenance of infill homes are the same as those historic homes, yet the infill homes do not receive the same exemption as the historic homes. Since many owners of such infill homes must expend a tremendous amount of energy and resources on the upkeep, I believe it is only fair that we extend the tax exemption to those owners.

"To encourage consistent and fair policy, I strongly support the adoption of these Resolutions that urge the Honolulu City Council to treat similarly situated infill homeowners within the Ewa Villages Historic District and include them in the Historic Property Tax exemptions. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 24, entitled: "HOUSE RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," was referred to the Committee on Finance, with Representative Thielen being excused; and

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 958) recommending that S.B. No. 116, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 116, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," passed Second Reading and was referred jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, with Representative Thielen being excused.

THIRD READING

H.B. No. 200, HD 1:

Representative B. Oshiro moved that H.B. No. 200, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. I rise in support of House Bill 200, House Draft 1. May I also have permission to enter additional written remarks into the Journal?

"Mr. Speaker, before I proceed speaking in support of the budget before us, please allow me the traditional courtesy and opportunity to thank those who have spent countless hours behind the scene preparing what you have before us today.

"First and foremost, let me thank my able and capable right-hand man who happens to be a woman, Vice Chair Representative Marilyn Lee, who has remained my fellow driver, conductor, co-pilot, and oftentimes the good cop of this team. She continues to help ensure the overall health and well-being of our Committee members and the budget process. And certainly her demeanor, as well as the colorful stars that she awards members for their punctuality, creates a cheerful ambiance and some levity necessary on those long days and long evenings of crafting this budget.

"Next let me thank the Committee members for their hard work and dedication towards developing meaningful fiscal and policy solutions. First of all our veteran members, those who are the sophomores, juniors, seniors, senior-seniors, and senior-senior-seniors, for your institutional knowledge and insight that have helped drive our analysis of the key issues. Certainly I believe that iron does sharpen iron, and for those stalwarts I extend my appreciation.

"To our younger and new members the freshman class, your refreshing inquisitiveness has brought new light to our discussions. Your avant-garde way of approaching the budget, your questioning, your probing has brought new light to our decisions. And of course to our Minority members, your often contrary views prompt lively discussion and debates.

"Thank you to our Committee members. Thank you also to the Committee Chairs for your input, advice and counsel.

"And finally, Mr. Speaker, I must thank my Finance staff for their hard work and diligence in their review of bills and in crafting a well-thought out budget. Our permanent and session staff includes and they are with us in the gallery today so as I call them, I will ask them to stand so you can finally put a face and being to the names that you see in emails and other communications.

"Committee Clerk, Nandana Kalupahana. Okay he's still working. Very good, Nan.

"Our Front Office Staff: Midori Hirai, Debra Yuen, Lucia Phan and Jenai Umetsu, led by Tracy Kubota and Jo Hamasaki.

"The Research Staff: Megan Muramatsu, Nicole Velasco, Tiffany Aoyama, James Larson, led by Randall Hiyoto and Stacey Tagala.

"Researcher and CIP Specialist, Erik Abe. Please remain standing you guys. I know, it's cubicle fatigue. I guess our Researcher and CIP specialist Erik Abe is not with us.

"And, our Budget Staff: Karisa Look, Maryanne Takahashi, Michael Fisher, Nicholas Chong and Renee Stapley, led by Puna Chai and Alex Kagawa.

"This year's theme was 'FIN It to Win It.' Members, please applaud our capable and dedicated Finance Staff. Thank you, Mr. Speaker.

"Mr. Speaker, in reflecting upon this budget, I find myself at a loss to describe the process we've been going through these past several months. After 3 years, here we are again: *déjà vu*. Faced with a budget deficit well beyond our ability to pay. Faced with a set of choices that no one wants to make.

"Indeed the story hasn't changed, the cost of providing government services continues to grow, but no one wants to pay for it. We all want that free lunch. Well, Mr. Speaker, there is no free lunch. Mr. Speaker, we all need a reality check."

Representative Ichiyama rose to yield her time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Representative. We all need a reality check because we simply do not have the money to pay for the government services that we currently have, and we don't seem willing to pay for the government services we want. Let us not forget that even with growing fixed costs, we've cut nearly \$2 billion in expenditures over the past years. This budget proposes to cut another \$240 million over the next two years.

"Yet, it is approximately \$200 million smaller than the budget proposed by former Governor Lingle. And, it is approximately \$500 million smaller than the budget proposed by Governor Abercrombie.

"Mr. Speaker, we need a reality check when examining the projections of the Council on Revenues. You see, the Council on Revenues recently revised their projection downward from 3% growth, to 0.5% for Fiscal Year 2011. That's the fiscal year that ends in four months, June 30th 2011. And it's a 2.5% drop in revenue.

"To put this in perspective, in order to meet this 0.5% growth, we need to collect more than \$400 million in monthly tax collections over the next 4 months. The reality is we've only been averaging about \$360 million per month for the last year. The reality check, Mr. Speaker, we've only collected more than \$400 million a month twice, only two times, since July 2009. That's only twice, two times in 32 months. I seriously doubt we will hit this mark 4 times in 4 months.

"Mr. Speaker, we need to look at the realities evolving in our world economies. Due in part to civil unrest in Egypt, Tunisia, Libya, Yemen, Iran, Saudi Arabia and Bahrain, everyone here has seen the price of gas increase dramatically, where oil prices have increased from a low of \$85 a barrel, to over \$115 in recent weeks alone. Once again, Hawaii posts the highest gas prices in the nation, and some Members report a 20 cent increase in less than two weeks.

"Of course, how can we deny the tragic reality and suffering of our friends and families in Japan? Think about it. Less than one week ago, on March 11, 2011, the world changed completely as the entire global community witnessed nature as it unleashed its fury on Japan. Locally, we all braced for a tsunami and few slept that night, anxious, hoping, praying, glued to our TV sets and radios, awaiting the 3:00 arrival of the tsunami. People were evacuated. We took it seriously. Coastal communities headed for higher ground. Sirens sounded on the hour. And, the tsunami did hit us. It did inflict terrible damage to residential and business properties. But we will be okay. Hawaii will recover from the effects of the tsunami. But, in Japan, the effects of last week's earthquake and tsunami unfold like a

horrible nightmare, now compounded by the uncertainty of nuclear exposure that may surpass Three Mile Island.

"Our hearts, thoughts and prayers remain with the citizens of Japan, as well as those who have family and friends residing or visiting there. While the damage at home pales in comparison, the real impact may be seen within our tourism industry. According to local media, more than 15 incoming flights carrying thousands of tourists were cancelled on Friday. Industry stakeholders, facing reality, are bracing for the decline. Preparing and planning for this awful, but foreseeable consequence of global events beyond our shores.

"Mr. Speaker, we need to take a reality check and get back to work. With that in mind, this budget has three goals. Number one, control the growth of overall expenditures. Number two, to provide the new Abercrombie Administration the flexibility to retool and reprioritize to achieve a new normal."

Representative C. Lee rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Representative Lee. I'm just about done. Thank you. And number three, to require higher level of accountability.

"Mr. Speaker, we have much to do and I suggest – no, actually I ask that everyone again read the Finance Committee's report that sets forth the direction and policy of your Committee.

"In closing, let me share some of the remarks of our Governor during his State of the State address on January 24th, 2011. I think it's apropos.

We cannot, and will not entertain ideas that are designed simply to shift responsibility to someone else, or to some future time. In the end, we must come to an agreement now that is balanced in its impact, that is adequate to restore the functions of government, and that does not create counterproductive barriers to economic recovery.

The challenge before us is not to simply balance a budget. Our challenge is to ensure that our values and priorities are reflected in the decisions we make and the actions we take. The time for debate, debate which merely goes through the motions, or the rhetoric for the sake of a safe harbor political agenda, has expired. Everyone must be prepared to contribute.

"Thank you, Mr. Speaker."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 200, House Draft 1.

"Before I proceed in speaking in support of the budget before us, please allow me the opportunity to thank those who have spent countless hours preparing what you have before you.

"First and foremost, I must thank my Vice Chair – Marilyn Lee, who has remained my fellow driver, conductor, co-pilot, and "good cop". She continues to help ensure the overall health and well being of our Committee and budget. Her demeanor, as well as the colorful stars she rewards members for their punctuality, creates a cheerful ambiance which continues to carry us through the longest of hearings.

"Next, I must thank the Committee members for their hard work and dedication toward developing meaningful fiscal and policy solutions. To our veteran members, your institutional knowledge and insight have helped drive our analysis of the key issues. To our Freshmen, your refreshing inquisitiveness has brought new light to discussions; and to our Minority members, your often contrary views prompt lively debates and engaging discussion. Thank you to our Committee members.

"Thank you also to the Committee Chairs for your direct participation, advice and counsel.

"And finally, I must thank my Finance staff for their hard work and diligence in their review of bills and in crafting a well thought out budget. Our Permanent and Session staff includes:

- Committee Clerk, Nandana Kalupahana;
- Our Front Office Staff: Midori Hirai, Debra Yuen, Lucia Phan and Jenai Umetsu, led by Tracy Kubota and Jo Hamasaki;
- The Research Staff: Megan Muramatsu, Nicole Velasco, Tiffany Aoyama and James Larson, led by Randall Hiyoto and Stacey Tagala (who also serves as a budget analyst);
- Researcher and CIP Specialist, Erik Abe; and
- And, our budget staff includes: Karisa Look, Maryanne Takahashi, Michael Fisher, Nicholas Chong and Renee Stapley, led by Puna Chai and Alex Kagawa.

"Mr. Speaker, in reflecting upon this budget, I find myself at a loss for words. After 3 years, here we are again. Faced with a budget deficit well beyond our ability to pay. Faced with a set of choices no one wants to make.

"The story hasn't changed, the cost of government continues to grow, but no one wants to pay for it. We all want that "free lunch".

"What makes things worse is most cost increases have occurred in the following areas, some of which we have little control over:

- Fixed costs such as debt service we've accrued in order to pay for the construction and maintenance of state facilities, such as classrooms, hospitals and public housing units;
- Rising health care costs for active and retired state employees;
- Unfunded liabilities, like pension and social security costs for our retirees; and
- Medicaid.

"We must also fill the gap left by the onetime infusion of American Recovery and Reinvestment Act money – money that will no longer be available for us to use.

"Mr. Speaker – we all need a reality check. We simply do not have the money to pay for the government we currently have and we certainly don't seem willing to pay for the government services we want.

"Even with fixed costs growing, we've cut nearly \$2 billion in expenditures over the past 2 years. This budget, proposes to cut another \$240 million over the next 2 years. Yet, it is approximately \$200 million smaller than the budget proposed by the former Governor Lingle. And, it is approximately \$500 million smaller than the budget proposed by current Governor Abercrombie.

"Mr. Speaker, we need a reality check when examining the projections of the Council on Revenues.

"The COR recently revised their projection downward from 3% to 0.5% for Fiscal Year 2011. A 2.5% drop in revenue. To put this in perspective, we need to collect more than \$400 million in monthly tax collections over the next 4 months to reach this number. The reality is, we've only been averaging about \$360 million per month for the last year. Reality check, Mr. Speaker – we've only collected more than \$400 million a month twice since July 2009 – only twice in 32 months. I seriously doubt we will hit this mark 4 times in 4 months.

"Mr. Speaker, we need to look at the realities evolving in our world economies. Due in part to civil unrest in Egypt, Tunisia, Libya, Yemen, Iran, Saudi Arabia and Bahrain, everyone here has seen the price of gas increase drastically, where oil prices have increased from a low of about \$85 per barrel to a high of over \$115 in recent weeks alone. Once again,

Hawaii posts the highest gas prices in the nation and some Members report a 20 cent/gallon increase in less than a month.

"Of course, how can we deny the tragic reality and suffering of our friends and families in Japan? Think about it. Less than one week ago, on March 11, 2011 the world changed completely as the entire global community witnessed nature unleashed its fury on Japan. Locally, we all braced for a tsunami and few slept that night, anxious, hoping, praying, glued to our TV sets, radios, awaiting the 3:00 am arrival of the tsunami. People were evacuated. We took it seriously. Coastal communities headed for higher ground. Sirens sounded on the hour. And, the tsunami did hit us. It did inflict terrible damage to residential and business property. Fortunately no lives were lost. We will be ok. Hawaii will recover from the earthquake and tsunami in Sendai. But, in Japan, the effects of last week's earthquake and tsunami unfold like a horrible nightmare, now compounded by the uncertainty of nuclear exposure surpasses Three Mile Island nuclear event.

"Our hearts, thoughts and prayers remain with the citizens of Japan, as well as those who have family and friends residing or visiting there. While the damage at home pales in comparison, the real impact may be seen within our tourism industry. According to local media, more than 15 incoming flights carrying thousands of Japanese tourists were cancelled on Friday. Industry stakeholders, facing reality, are bracing for the decline in visitors. Preparing and planning for this awful but foreseeable consequence of global events beyond our shores.

"So far, our solutions to address such realities have been very short term in nature.

"We have approved "one time fixes" such as the diversion of tobacco monies and special funds to the general fund. And, we witnessed the short term gains, but longer term consequences of rejecting federal funds and of layoffs and furloughs. All of which depleted our workforce, diminished service delivery levels expected by the public, and eliminated valuable instructional hours for our students.

"Mr. Speaker, it is clear that while such solutions may have gotten us through the past few years, they cannot produce long term savings or permanent solutions. Without additional revenues to pay for the restoration of critical services, establishing a new normal must be explored.

"With that in mind, this budget has 3 goals:

1. To control the growth of overall expenditures;
2. To provide the new Administration the flexibility to retool and reprioritize to achieve a new normal; and
3. To require higher levels of accountability.

"Mr. Speaker, the term "new normal" cannot continue to be just a catch phrase or a slogan, but must be translated into action. It is time that we, as a State take a systematic approach to assessing and evaluating our current State of government.

"This budget does not eliminate specific programs, nor does it identify which areas should be cut. Rather, it allows the departments to prioritize and refocus on their core services.

"One of the biggest barriers to proceeding in this direction lies within each department and program wherever a "silo" mentality exists. Mr. Speaker, now is not the time to maintain walls or silos, but rather to break them down and get rid of inefficiencies and redundancies.

"To further assist in this effort, this budget provides the Governor unprecedented, broader authority to transfer resources between programs and departments to enable greater flexibility in accomplishing this objective.

"In return, your Committee seeks greater collaboration, transparency, and accountability.

"Mr. Speaker, there are few rewards to making hard choices. But it must be done. We must all be willing to make those tough decisions.

"We may not see the rewards right away, but by embracing a long-term outlook we will invest more in our future generations. Together, we can ensure the future prosperity of our island economy and State.

"As our Governor stated during his State of the State Address on January 24, 2011,

"... we cannot and will not entertain ideas that are designed simply to shift responsibility to someone else or to some future time. In the end, we must come to an agreement now that is balanced in its impact, that is adequate to restore the functions of government, and that does not create counterproductive barriers to economic recovery.

The challenge before us is not to balance a budget. Our challenge is to ensure that our values and priorities are reflected in the decisions we make and the actions we take. The time for debate – debate which merely goes through the motions, or the rhetoric for the sake of a safe harbor political agenda – has expired. Everyone must be prepared to contribute".

"Mr. Speaker, we have yet to cross uncharted waters before we can come ashore, but our canoe is taking water. We need to keep bailing. We also need to keep moving forward. But because now there are fewer paddles in the water, our momentum may slow. We cannot afford to slow down. We cannot afford to stop. So at some point, those who have been bailing water need to pick up a paddle and start paddling. There is a Hawaiian proverb or *Olelo No'eau* explaining how within a canoe, each paddler needs to paddle in unison in order for the canoe to move forward quickly: *Pupukahi I holomua*, Unite to move forward.

"Mr. Speaker, this budget and the revenue bills passed by the House asks everyone to pick up a paddle. It's the only way we will survive. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservation and with gratitude that we have the Governor's Cabinet here. I think that is a great honor to have them here even though I was looking here earlier and the *kupuna* were here, so as they stare at us, the *kupuna* because of the taxes and the pensions that's in here. It's going to balance out, but they left and now we've got the Governor's Cabinet.

"I have reservations because, reservations means we have questions about a bill, or about a policy or about anything that we do here. And I agree with the Chair of Finance who very eloquently said the Minority has a role. It has a way of putting iron against iron and my comments as I speak are for that very purpose.

"But I think the reality check is not whether there's a free lunch or not, Mr. Speaker. It's whether the people of Hawaii can afford lunch, or can feed and house and take care of themselves given the burdens that we're shifting from government to them, from the public sector to the private sector.

"So question number one is, can our community afford this budget? Can we afford this given what is going on right now with our citizens? Gasoline prices, as already mentioned are \$4 and probably going to reach \$4.50 soon. Maybe \$5.00. Registration and the other fees that are in this bill, weight taxes, double the costs of driving on the highway.

"Can we afford this budget when people are using their credit card more and more? Right now we're I think second in the nation in terms of credit card usage. Can we afford this when we are already the highest taxed state in the nation? We're already paying the highest tax. This budget bumps them up again. Again, can we afford it when our businesses are shedding employees or to some degree stabilizing them? But with the Council on

Revenues last week, it looks like because of Japan, this business community is going to get hit again.

"And yesterday some of us were in the Chamber of Commerce Small Business Community and there was very openly for the first time ever, an open discussion of an increase in the GE Tax. And I know that those ladies and gentlemen from the Governor's Office know that there was a promise made to the people of Hawaii about not increasing the GE Tax. But if you heard the discussion from some Senators and some Representatives yesterday, it's like that's coming closer to reality, contrary to what heretofore has been spoken. So, Mr. Speaker, I'm very, very concerned about the way that we're talking about not only the tax increases in here, but the way we're slowly sliding into a higher taxed, first-in-the-nation taxed state.

"As mentioned earlier, Japan is going to have a big impact upon us. Earlier I introduced my intern from Japan. He noted in his preparations for my introducing him, that batteries in Tokyo, four AA cell batteries cost \$280 in Tokyo right now. Four little batteries which we pay a couple bucks for cost \$280 in Tokyo. That's why he said there's an appeal for batteries. He also said, and I didn't have a chance to read it, that the damage so far is estimated at 8,606 people missing or dead, and \$118 billion of property losses. Why am I saying this? Because this budget is based upon raiding the Hurricane Relief Fund. If with whatever we've got left, and if we ever have, thank God we haven't, a hurricane or tsunami, it's going to give us ..."

Representative M. Oshiro rose to a point of order, stating:

"Mr. Speaker, point of order. I've been very patient, but this bill has nothing to do with the Hurricane Relief Fund."

Representative Ward: "I'm too obtuse I think."

The Chair addressed Representative Ward, stating:

"Representative Ward, would you please confine your remarks to the measure before us."

Representative Ward continued, stating:

"Mr. Speaker, I don't want to spend my speech retorting that, but when you have a budget, regardless of where the source of it comes from, part of the balance of this budget is taking money from the Hurricane Relief Fund. If that's not true, then I should sit down. But if it is true, I think we need a better explanation than what was just given.

"Having said that, the tax increases, the amount of money that we're building on top of an already highly taxed state is reason for consternation. And the reason for consternation is that so far, heretofore we have a budget that balances for three years. The six year Constitutional budget we have not been given yet from the Administration. Yes we had one, but that was the Lingle-Aiona budget. On February 22nd we had the other budget. But if we're going to balance the budget and really speak to a budget which we know for sure balances, and we need a six-year plan. And I appeal to the Chair of Finance to ask the Administration, 'Where's the six-year balanced budget that HRS 37-69 calls for?'"

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Ward continued, stating:

"Thank you, Representative Ching. Mr. Speaker, the last question that reservations give rise to is one I ask myself, and one I ask the Minority Caucus. What are you guys going to do? Put up or shut. What's your solution? Mr. Speaker, the solution that we gave last year as an alternative budget which was online and was interactive. It was a spreadsheet where people chose what their revenues were, and what their expense were. We submitted, contrary to many people on this Floor or in the Senate who said, 'You've got to do a GE Tax increase.' We showed that that was not necessary.

"So, Mr. Speaker, our contribution is coming. We have a website called www.hawaiistatebudgetonline which is under construction. I repeat, under construction because unfortunately we don't have 20 people to help us. We have a small crew, but very committed to make sure that the people of Hawaii have an alternative to the many taxes that are going to be increased. And before any of these things are on solid ground, they need to be discerned very, very closely.

"Having said that, those are my reservations and those are where I hope that at the day's end we will say we did what we had to do, and in the end the thinking that we have about a short-range balanced budget will start looking at a vision and a growth, and a building and a growing of the economy. Because if the pie stays the same, it's not only going to be as the previous speaker said, year after year, it's going to be decade after decade. We've got to start and speaking outward and with a vision for growing the economy and having a win-win set of who's going to get the side of the bed with the sheet pulled from their toes. For those reasons, Mr. Speaker, I vote with reservations. Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I was skeptical of the previous speaker's claim about the taxation rate for Hawaii so I looked it up on the Tax Foundation's website, which is an organization that ranks tax burdens by state. And according to them, in 2009 Hawaii was 22nd. Number 1 being the highest. We were number 22 for overall state and local taxation which, of course you have to look at both because we pay for our education through the State, whereas most states pay for their education expenses through the counties. And so we were 22nd, and that's actually lower than we were in 2008 when we were 16th. We're also below the national average by 2/10ths of a percent. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker and Members, I wish to speak very strongly in favor of this budget. I want to thank the Finance Chair, the Vice Chair and members, and the Leadership for making the tough call. And it was a real tough call to make. I know this was a strain on Leadership, and a strain on the Finance Committee to do the work that has been done and the cuts that have been made.

"To say that we're not doing enough is an outright, I hate to say this, fabrication. And just in this particular item, this budget you see in front of you, there's \$120 million in cuts to the programs and to the departments of the State of Hawaii. This is on top of all of the cuts that we made in these past years. We must remember that this is the third year where we have been over a billion dollars short. And we've been able to continue to provide for the people's business even though the cuts have been tremendous. And for this I have a lot of aloha to the Members, for all of you. And I have a lot of aloha for the staff sitting up there who worked so hard to put this package together.

"Having been where you are now, I know how difficult it is to prepare a balanced budget. For those of you that claim and say how bad it is, please put yourself into the situation where you can help. You sit in your Committees. When they ask questions, come up with answers. Not problems – answers. Thank you very much, Members."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I would like to thank the Finance Committee and its staff for all of its hard work on this excellent budget. I just wanted to address some of the criticisms or questions that were raised by the Minority Leader as he spoke with reservations. Specifically his question about, 'Can the community afford this budget?'

"My question is actually, can the community afford not to have this budget. This budget is based off of making sure that we provide the most essential and core services that our citizens rely upon. And again, let's take a big picture look at this. When it comes to our budget, there are certain fixed costs that we just cannot get away from when it comes to the EUTF, ERS, as well as our debt service to pay for all of our infrastructure costs.

Beyond that there are the 'big four': education, higher ed, health, and human services. And so I look forward to any suggestions they have with which to make cuts in those big areas.

"Because as I see the current budget, what I see is we've already taken \$55 million out of the Department of Education. And my understanding is this is after they've asked the Abercrombie Administration for restoration of up to \$77 million. In addition to that, lest we not forget that last year we passed mandatory minimum instructional hours. That too is not being funded in this budget, but we are asking them to find it within their own resources to make sure that they can do this.

"That, as well as things essential like transportation, like school lunches, the basic things that education must have in order to make sure that our students succeed. And so I look forward to suggestions where they can find real places where we can find some substantial cuts to make up some of these deficits and losses. Because currently, as I understand it, from the scrutiny that they were placed through by the Finance Committee, there really isn't that much room for that kind of cuts.

"Secondly, what I would also like to assert has to do with the issue about whether our community can afford it. When we passed our revenue enhancements, the many, many bills that we looked at, and I'm not going to get into them in specifics. But what we did was extremely targeted. There were 24 bills, and each attempted to look at the way in which it wasn't a broad-based tax increase. There wasn't a general excise tax increase. There wasn't an income tax increase. Instead it was asking those people who mostly haven't even paid their fair share, to start looking at whether they can contribute.

"And the reason why we believe that may be a justifiable approach is, as you know, Hawaii tops the nation in millionaires per capita, and that is excluding retirement plans and real estate according to a study by the Phoenix Data Center which was released in September 29, 2010. So Hawaii residents do have the means and wherewithal to withstand some of this burden that we're asking them to do.

"And why we are asking them to do that is something that I also find very, very interesting when it comes to looking at the income of our residents. Hawaii is actually very, very fortunate. We are 45th and 47th in terms of the nation's ranking between the income inequality in Hawaii according to the Center on Budget and Policy Priorities. Right now we don't have a wide disparity between the 'haves,' and the 'have nots.' We are extremely fortunate that we are 45th and 47th in this entire nation.

"However, if we don't take some of these steps in this budget necessary to make sure that we continue to provide these core services, then at that point that disparity will only continue to grow. We've already impacted things like Medicare. We've already taken away contracts for Temporary Assistance for Needy Families. We've already taken away some additional funding for Medicaid. And so beyond that, I really do look forward to some of these innovative approaches that may be coming from the Minority through their alternative budget to see whether we can actually incorporate some of their ideas.

"But first and foremost, let me tell you that one of them that I will find completely unacceptable is this delay in the income tax refund as according to Mr. Brewbaker, he referred to it as, 'refund shenanigans.' Because what he said is, that has substantially impacted the way in which the COR, the Council on Revenues was able to come up with their estimates. And that only ends up hurting us in the long run because we rely on the Council on Revenues in which to have our balanced budget proposal.

Representative Hashem rose to yield his time, and the Chair "so ordered."

Representative B. Oshiro continued, stating:

"So in conclusion, all I will say is I'm glad to hear that there are some questions. I'm glad to hear that there are some reservations. Because to be honest, I have some reservations. I have some reservations that there are core services that are being requested by our agencies that we just can't

afford to provide right now. That is my reservation. But I know that looking at this budget, we've done the best that we can in trying to balance all of the needs without burdening our citizenry. Thank you, very much."

Representative Fontaine rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Fontaine's written remarks are as follows:

"The budget for fiscal years 2012 and 2013 has made a 7.1% increase since last year's budget. With a \$966 million deficit, the House budget should focus on cutting non-essential programs, limiting the size of government, limiting government spending, and promoting private sector jobs to create a cash flow into the economy."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. And, Mr. Speaker, I'd like to ask that the words of the prior speakers who spoke in support be entered as if they were my own in the Journal. Mr. Speaker, I just want to give a few examples of some of the cuts that had to be made over the last few years, and how it affected Kauai.

"We have two, Mr. Speaker, two agricultural inspectors on Kauai where we had up to six in years past. Now can you imagine two inspectors covering the whole island, including time for their days off? It's impossible, Mr. Speaker. We don't have the varroa mite on Kauai. We don't have the coffee berry borer on Kauai. There's a lot we don't have like fire ants on Kauai. These people are the gatekeepers to those species coming in to Kauai. Those are the kinds of cuts that we had to make. Tough decisions.

"The Finance Committee under the leadership of the Finance Chair and the Vice Chair, and the members made some incredibly tough decisions, Mr. Speaker. And we know we need to look at the things that we did. It's not as if we're going to ask people. The Minority Leader said, 'We have an interactive budget.' Well, I took a look at it. How many of you when you paid your income taxes said, 'I want to pay more?' Nobody's going to do that in an interactive budget.

"We have to take the leadership role and we have to make the tough decisions. No one on the Finance Committee wanted to say, 'I want to raise your tax. I want to take away your exemptions.' Those were not easy choices, but those are the types of choices that we have to make, Mr. Speaker. Those are the types of choices that good leaders make, Mr. Speaker.

"I'm very proud of the budget. I'm not proud of the cuts that we had to make. I'm not proud of the services that we had to cut for the departments, but I'm proud that under these circumstances we did what we did. So Mr. Speaker, thank you very much and I encourage the rest of our colleagues to vote in support. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. I would like the words of all previous speakers in support entered in the Journal as if they were my own. And just as a matter of again historical clarification, I was at the same meeting that the good Minority Leader was at, and at no time did any Representative advocate for a GET increase. That's the truth.

"But what we did talk about was exemptions, and because our budget does rely upon these assumptions, I will ask for your discretion or indulgence to touch into that area. What I thought was very interesting was the members of the small business community that were there, and particularly one young woman who's the head of a very famous local eatery. She said, 'I pay \$9,000 in taxes, payroll and the others. I don't get exemptions. I don't get sweetheart deals. Why do the big boys get them, but we don't get them?'"

"If we're going to use the analogy of a canoe, Mr. Speaker, then everybody has to have a paddle in the water. And right now there are a lot of big entities that have their paddle on their laps while the rest of us, the citizens, the small businesses, and others have had to stroke deep just to sustain the State of Hawaii.

"This budget makes a lot of difficult cuts, but here's the thing, Mr. Speaker. It makes more cuts. It doesn't build. It doesn't add. It doesn't expand. It doesn't create new programs or services. It takes away from what is already there and this is on top of again, the \$2 billion that has already been cut. And as has been noted, these cuts are lower than the proposed budget that was going to be floated by the previous Administration, Mr. Speaker.

"And also there's investment in this too. Look at the capital improvement projects, Mr. Speaker. Essential repairs for our harbors, many of which have been damaged. For our airports. How can we have APEC if we don't have functioning airports, Mr. Speaker?

"So this budget makes very tough calls, Mr. Speaker. It makes tough cuts, but what it tries to do is it tries to prioritize and tries to make sure that the little guys, both in the departments, the worker bees, those who are conducting the services, that they are not going to be bearing the inordinate brunt of what is happening. But situations that are out of control are spiraling our State into deficits never seen by any generation. So I particularly applaud the Finance Committee and the Chair and all the members for being willing to look at everything, and to make these tough decisions.

"And of course nobody's going to be happy, and I do have my own personal reservations on several issues. But I think the whole end game of this, Mr. Speaker, is that this Body has tried to cut, as well as do everything it can to make sure that the spending that was included in there addresses the core services that people need, and tries to prepare our State so that an economic recovery can occur here. Thank you, very much."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I'd like to speak in favor of the measure. First, I feel like because of the events of the past week that I really need to mention the earthquake and the tsunami which wreaked havoc upon our friends in Japan. It really does remind us of the fragile nature of our existence. Looking at what's happening on TV, everything else almost seems unimportant. We must do everything possible to help our friends in Japan and it will take the cooperation of the whole international community to help them and to assist them in their recovery.

"I would also like to make mention of the work that the Chair of the Finance Committee has put into this budget. I truly don't think there is anybody more dedicated in this House to the work. I wish he would really get a little more sleep. Sometimes he looks kind of tired, but he looked better this weekend. Also the same thing goes for the members of the Finance Committee who it seems to me that they're working 24/7. They are some very bright and dedicated people. You know, some of them maybe should get a life. I think sometimes you ought to have a little more recreation.

"But anyhow, here is the budget and it's a good budget. It's not a budget that is without things I'd like to see included. There are a lot of cuts, and cuts in some of the major departments. But one of the things that I wanted to say is, because I listened to the Minority leader's remarks about the fact that we can't afford this. The Minority Leader introduced seven tax credit bills this year, and one appropriation bill. So you know, if we can't afford the budget we have, how can we afford tax credit bills and appropriation bills? That seemed a little strange to me.

"I wanted to mention something else too. I was kind of shocked to read something in the *Star-Advertiser* this morning which called one of our revenue generation bills, 'almost cruel.' Almost cruel. It shocked me because they were remarks that exploit the emotions of the most vulnerable people in our society, and they're really cruel in their intent. To me it's almost cruel when staff, whose job it is to monitor elder abuse, are eliminated. It's almost cruel to deprive needy seniors of Kupuna Care

which assists with bathing chores and other activities of daily living. It's cruel to limit child protective services, and to limit care to the mentally ill. It's cruel to take money away from domestic violence shelters. It's cruel to take away agricultural inspectors because then farmers can't sell their goods. And it's cruel to take away vector control officers.

"But money must come from somewhere, and if part of the solution is to take it from the top 1% of pension receivers, then so be it. The printing press in the basement doesn't do 'greenbacks,' unfortunately. We're not the federal government. So just in closing I'd like to say this is a tough budget. It's a budget that is now going to go over to the Senate. They're going to make many adjustments and come back to us with their ideas, and we'll work it out together. And that's what we have to do in these times, work together. Thank you, very much."

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise to speak in favor of this budget. With the Council on Revenues report showing a drop in revenues, and afterwards experiencing the earthquake and tsunami in Japan, this brought to us the need of a great deal more cutting in the budget, unfortunately. And tax increases alone will not fill in the *pukas*. If anything, certain tax increases will hurt the economy and businesses, large and small, as well as job creation.

"Rather than enact all the taxes that we have moved to the Senate, and rather than raising the general excise tax, and rather than raiding more special funds, we should step back and look at the structure of State government and see how we can rebuild our departments to better provide services to our people with greater efficiency.

"We should examine which programs are mandated, and those that are not. What area should be expanded, and what should be contracted. We should consider zero-base budgeting. We need another Commission on Government Efficiency which was in existence a few decades ago. We need new thinking now more than ever. I support this budget bill because it still holds a promise of new thinking, creative ideas, and fresh energy. So colleagues, let's put our 'thinking caps' on. Thank you."

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 200, House Draft 1. I would like to speak on the Capital Improvement Project Budget.

"The change in Administration posed numerous logistical challenges for your Committee on Finance in its review and deliberations on the capital improvement project budget.

"In December, the Governor transmitted a budget prepared by the previous Administration that contained capital improvement project requests of \$969,791,000 for the fiscal biennium by all means of financing. Of this, \$404,045,000 was requested in general obligation (G.O.) bonds and general obligation reimbursable (G.O.R.) bonds.

"On February 22, 2010, the Governor requested an additional \$1,709,200,000 for capital improvement projects by all means of financing, of which \$1,067,600,000 was requested in G.O. and G.O.R. bonds.

"Included in the Governor's Message was a request for \$390,000,000 to reauthorize the transfer of G.O. bond funds to the State Educational Facilities Improvement (SEFI) Special Fund. Due to an accounting error by the Department of Budget and Finance, \$390,000,000 in G.O. bonds that was to be transferred to the SEFI Special Fund for collateralization of encumbered special funds had lapsed on June 30, 2010. To ensure the certification of the budget pursuant to the enactment of this Act, the Governor requested the reauthorization of \$390,000,000 in G.O. bonds to cover the encumbered SEFI special fund during this fiscal biennium.

"The Governor indicated that the requests of February 22, 2010, were intended to supplement rather than supplant the amounts previously requested in December, which were memorialized in House Bill No. 200, as introduced.

Means of Financing	HB200	GM	TOTALs
G.O./G.O.R.	\$404,045,000	\$1,067,600,000	\$1,471,645,000
All	\$969,791,000	\$1,709,200,000	\$2,678,991,000

"To finance the authorizations requested, the Governor proposed the issuance of \$2,875,000,000 in G.O. bonds for the second half of fiscal year 2011 through the second half of fiscal year 2015. However, when your Committee also reviewed the requests of the Judiciary for capital improvement projects proposed in House Bill No. 300, your Committee realized that the total G.O. bond authorizations requested by the Executive and Judicial Branches exceeded the total G.O. bond issuances proposed by \$36,672,197.90.

"Your Committee further acknowledged that because of bond refinancing conducted in 2009, debt service payments will increase dramatically in fiscal year 2015-16. Accordingly, rather than increase the issuance of G.O. bonds to offset the negative balance put forth by the combined requests of the Executive and Judicial Branches, your Committee established a ceiling of \$2,875,000,000 in G.O. bond issuances in its deliberation of the requests.

"Accordingly, your Committee recommends total authorizations for fiscal biennium 2011-2013 of \$2,913,856,000, for all means of financing of which \$1,477,697,000 is recommended for G.O. and G.O.R. bonds. These recommendations will ensure that total G.O. and G.O.R. authorizations proposed House Bill No. 200, House Draft 1 and House Bill No. 300, House Draft 1, will not exceed the ceiling set for bond issuances earlier discussed.

"The largest areas funded by this budget are:

- \$820,663,000 for the Department of Transportation (airports, harbors, highways);
- \$390,000,000 to collateralize encumbered State Educational Facilities Improvement (SEFI) Special Funds that had lapsed on June 30, 2010, mentioned earlier;
- \$360,166,000 for the Department of Education, public charter schools, and public libraries; and
- \$182,792,000 for the University of Hawaii System.

"Your Committee also focused on the Departments of Health, Human Services, Land and Natural Resources, and Public Safety. In many instances, the infrastructure for these departments has deteriorated to the point necessitating immediate action to ensure the health and safety of our citizenry.

"As such, your Committee has included funds for the following projects:

- \$82,490,000 for public housing facilities; including \$5,600,000 to replace the solar water heating system at Mayor Wright Homes;
- \$55,315,000 for State park facilities, statewide;
- \$49,854,000 for community hospitals, statewide;
- \$20,500,000 for correctional facilities, statewide, including \$4,000,000 to replace the wastewater infrastructure at Waiawa Correctional Facility, and \$4,000,000 to replace the roofing system at Halawa Correctional Facility;

- \$15,350,000 for infrastructure improvements at small boat harbors and ocean recreation facilities statewide; and
- \$11,610,000 for various improvements to the Hawaii State Hospital.

"Lastly, your Committee appreciates the cooperation extended by the Administration in preparing this budget and looks forward to continuing dialog with them as the capital improvement project budget goes through the legislative process.

"In light of this, I urge my colleagues to support this measure. Thank you."

Representative Riviere rose to speak in support of the measure with reservations, stating:

"I rise in support, with reservations. Thank you. I rise in support because there's been so much work done. The Chair has done a great job. He's working his tail off. The Vice Chair and all of the staff have done tremendous work in drafting the current budget. And the current budget goes a long way towards righting many things, institutionally and structurally. There are a lot of great improvements that are going forward. There are some painful cuts that are in this budget. So in general it's going in the right way.

"Now to say I rise in full support would be an implication that we were there. That we're good to go, and I'm not. So I do have reservations because I am concerned about adding additional costs onto our high cost of living already. So that is my reservations. I'm not quite comfortable. It's not so easy. People say, 'It's hard. I regret this. I regret that.' Well I regret adding costs onto the taxpayers. So if we have to do that in the end, well maybe we do.

"But there's a long way to go. I understand it's a long way to go. I just think that people are wound up. The personalities are coming into play and we should focus on the issues at hand, unemotionally. Try to find the solutions. Try to find the balance. Try to find some ideas as the previous speaker spoke about. We will do this and we will stay together hopefully, and so that is why I rise with some caution. Thank you."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. I rise with a few rebuttals in reservations. And first, with gratitude to Speaker Say and the House Clerk for getting us computers which when something comes out on the Floor, we can see if it's true or not because according to *Forbes*, Vermont is the highest taxed. Hawaii is the second; and the third is Connecticut. Then New Jersey and Massachusetts. I'm not sure where the gentleman from Downtown Honolulu got his data, but I think *Forbes* is a pretty credible source to say that we are one of the highest taxed along with these other states in the nation.

"Second rebuttal. I'm flattered that someone has paid attention to what I said earlier about growing the economy because growing the economy is giving an incentive for investment. No investment, no jobs. Those tax credits for people to hire, to expand, to export, to push high tech. That's the mindset that we need to have. We don't have that. All we've got is the 'hangover' and the residual of Act 221 which said we got high-tech industry going, but it costs us a lot of money. Nothing ventured, nothing gained. And what we've got is an economy that's not growing.

"Another rebuttal for my good friend and colleague from Maui. No one advocated, but no one heretofore in my knowledge in the Small Business Caucus or in a discussion with the Chamber of Commerce would even come close to openly talking about a GE Tax increase as a viable option. That is what was said yesterday, and that's why I'm still surprised, chagrined, that we're openly talking about something. Something you talk about, generally you have a tendency or proclivity for behavior or acting out those things.

"Another rebuttal I guess, is for the Majority Leader who I respect greatly and I think did a very erudite job of refuting some of the things I said. However, he's amiss at one thing and that is by belittling and making

what the Lingle-Aiona Administration did by inconveniencing taxpayers for two weeks in order to get their income refund. I would ask, would he prefer that the invasive species and the Ag workers that we are missing be shunned and put aside for the sake of those people who for two weeks of inconveniences can wait for their moneys to come so we can get a balanced budget that's \$275 million, Mr. Speaker. \$275 million for two weeks of inconvenience which the Council on Revenues has said it doesn't help. It doesn't hurt the recovery, but it causes a glitch in the way they've kept score with the cash flow of the State of Hawaii.

"And lastly, I guess from the Majority Leader's point of view, they have done the job that they had to do. He's proud of that. But from my perspective, Mr. Speaker, we can do better. We are better in Hawaii and we should be doing better. Thank you, Mr. Speaker."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support of this budget bill. Thank you, Mr. Speaker. I wanted to give you a snapshot look of a family of four under the federal poverty level. A family of four making less than \$25,700 a year. Mr. Speaker, in the State of Hawaii, 10% of our households with children under 18 are under the federal poverty level. And, Mr. Speaker, it goes up to 20% for all households that have women as the head of the household. These are our people, Mr. Speaker.

"Mr. Speaker, we have done all we can to reduce the costs. In fact I'll give you graphic details of what we've done to the Department of Human Services. When you talk about personnel, in June of 2008 we had 2,406 employees. In June of 2010, that number was reduced to 1,895. That's a reduction of 511 employees. And Mr. Speaker, these employees provide essential services. In fact, when we talk about Child Protective Services, these are our *keiki* who are abused or neglected. Our workforce has been reduced in that branch by over 25%.

"Mr. Speaker, the priority of the Department of Human Services is to protect the most needy. These are our children, the homeless, the elderly, the disabled, those with mental challenges, those that might be drug addicted, our pregnant women, our domestic violence victims, and so many others. An investment in human services is truly an investment in our people and our future. If we support our people who are the most needy, it will quicken our move in the right direction and on our road to recovery. We have done all we can to reduce costs. I don't know how much lower we can get, and I support the Chair of Finance and his budget.

"It's unfortunate, but I have to say, as I look in the future, I anticipate decreased eligibility for those seeking human services. Decrease reimbursement. Decrease benefits. And increase cost sharing. This is the price that we have to pay, but we're doing our best and I believe this budget was prudently crafted. For those reasons, I support this budget. Thank you, Mr. Speaker."

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker. It is half-time at the State Legislature and out of 1600 bills introduced in the House of Representatives, approximately 300 bills crossed over to the Senate. The Senate likewise will be sending over about 300 bills. Many of these bills are House companion bills so in the end, there may be about 200 new laws.

"That's a pretty good vetting process in my opinion. The Legislature started with a combined 3000 bills between the House and Senate. Approximately 200 will survive and become law. It just goes to show how difficult it is to get new laws passed; which is a good thing.

"One of the most important bills that crossed over to the Senate at half-time is the budget bill. The House of Representatives historically has the first crack at the budget. This year, as in the past three years, we faced a deficit. But what exactly is a deficit? Well, a deficit is the amount of money that is less than the prior year's budget.

"So for instance, when you hear that we are short \$800 million, we have \$800 million less than the prior year's biennium budget. The problem is compounded because in the prior biennium budget there was a deficit of \$1.7 billion.

"If you remember, this was our strategy in the past biennium. We balanced the budget by: cutting government expenditures to cover half the deficit, transferred special funds, got money from the federal government (ARRA) to cover the next 20%, and last, raised taxes to cover the last 10%. The bottom line is we balanced the budget by cutting overall spending by government. We had no choice.

"Many of the government cuts were very painful. As a reminder, here are some of the ways we cut spending: furlough Fridays for our children, cuts to Human Services (poor and homeless), cuts to the Department of Health (restaurant and health inspectors), general government services (department furlough Fridays), and finally as we are finding out now, just plain old not paying our bills (ERS, EUTF, TANF, insurance premiums).

"So here we are in a new biennium. It's a new day. We started with the budget that was prepared by the Lingle Administration. That budget was \$5,568,000,000, very austere. The new Administration recognized this and transmitted to the Legislature a 'Governor's Message' for emergency appropriations to cover various items including unpaid bills for \$100,000,000. Then after exhaling, they set out to prepare their new budget. Governor Abercrombie realized that the government he inherited was broken.

"Recognize that sometimes when you keep cutting money out of a program, you do not save money. You just grow inefficiencies. Governor Abercrombie's budget came in at \$5.702 billion, almost \$134 million higher than the former Governor Lingle's budget.

"Now the House Finance Committee gets its hands on the budget. Our perspective is a little more complex than the Governor's since we must add the opinions of our constituents into our analysis. As I have stated before, using political solutions to solve fiscal problems is by far, the most challenging experience of my financial career.

"First, we did not approve any of the Governor's new requests. And then, we deleted another \$120 million from his budget. The House Finance Committee did this in anticipation of a further decline in revenue. This brought our House Finance Committee budget to \$5,449.5 billion, \$118.7 million **lower** than Governor Lingle's budget. This is the budget we passed over to the Senate.

"Unfortunately on March 10, 2010 the Council on Revenues lowered its revenue estimate by 2.5% which means the Senate Ways and Means Committee will now have to fill a hole of approximately \$125,000,000. This is over and above the cuts that we already made. No happy campers at the Capitol this year.

"Let's give some thought to this. We all heard the stories of government inefficiency, waste and abuse, we also heard the cries to cut the size of government and government services. As policy makers, we cannot ignore these concerns.

"Therefore, I believe that we have now slashed departmental budgets to the point where inefficiencies have been created. We have Furlough Fridays. Our kids have fewer instructional days. You see more homeless on the streets. And you hear about deplorable conditions in our public housing. Cutting government spending may be politically popular as long as you're not affected.

"Look around and see the kind of world we've created.

"At some point we have to say, we need to help the disabled, our children, the homeless, and the less fortunate. I believe we have reached that point. The time is now."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm in support. I'd like to say that I love numbers. I love studies. So I can't resist getting involved in this interesting debate. The *Forbes* list does not take into account property taxes and the fact that the State here in Hawaii pays for education which boosts us up quite a substantial margin to the top of the list. I quote from the study, 'The list does not measure the average residents' tax burden.' So there is a big debate to be had about where we're at, but I'm not sure if this is the one to quote. Thank you."

Representative Pine rose to respond, stating:

"Just to clarify, I wasn't going to mention this because we can talk about this later. But the Representative from Chinatown quoted the Tax Foundation. The Tax Foundation is located in Washington D.C. Their phone number is area code 202-464-6200. The Tax Foundation of Hawaii is located in Honolulu, Hawaii and their phone number is 808-536-4587. On the Tax Foundation of Hawaii's website you will see all tax burdens included that affects Hawaii residents, and it puts us at the top in the United States of America."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations on HB 200. I honor the hard work of my colleagues on the Finance Committee in assembling this draft of a budget. However, I am concerned that the current language provides for unfunded provisions, including the creation of new positions within State departments and increased government expenditures.

"With our current financial situation, I do not think that increasing government expenses is advisable when we are asking our people to make painful financial sacrifices. I believe that this budget is a work in progress and I hope that in successive versions, we will remove these provisions from the budget."

Representative Ching rose in support of the measure 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 in support, with strong reservations to H.B. 200 - Relating to the State Budget. The budget, in my opinion, still does not reflect the necessary fiscal prudence and restraint to get our State through its fiscal crisis.

"With a \$966 million deficit, being more efficient with the funds we presently have, and encouraging business and investment is the best remedy to balance the budget. We need to focus on encouraging the creation of new business opportunities and private-public partnerships, supporting tax incentives, halting tax increases and cutting spending to put our financial house in order.

"Colleagues, that is the challenge before us. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 49 ayes, with Representative Thielen being excused.

At 1:18 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 200, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 120 through 283) and concurrent resolutions (H.C.R. Nos. 138 through 318) were referred to Printing and further action was deferred:

H.R. No. 120, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE OFFICE OF STUDENT SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Nishimoto.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE STATE'S LAWS GOVERNING CEMETERY AND FUNERAL TRUSTS AND PROVIDE RECOMMENDATIONS TO ENSURE CONSUMER PROTECTION," was offered by Representative Cabanilla.

H.R. No. 122, entitled: "HOUSE RESOLUTION URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND WITNESSES TO A CRIME," was offered by Representative Cabanilla.

H.R. No. 123, entitled: "HOUSE RESOLUTION URGING PRIVATE ORGANIZATIONS, BOTH SECULAR AND RELIGIOUS, TO ENSURE GENDER EQUALITY IN THEIR LEADERSHIP POSITIONS," was jointly offered by Representatives Cabanilla, Mizuno, Carroll, Chang, Chong, Herkes, Jordan, Keith-Agaran, M. Lee, Morikawa, B. Oshiro, Rhoads, Souki and Tokioka.

H.R. No. 124, entitled: "HOUSE RESOLUTION URGING HAWAII TELEVISION, RADIO AND PRINT MEDIA OUTLETS TO ADDRESS THE "NOT IN MY BACK YARD" (NIMBY) ATTITUDE IN HAWAII," was jointly offered by Representatives Cabanilla, Hanohano, Mizuno, Carroll, Chong, Herkes, B. Oshiro and Souki.

H.R. No. 125, entitled: "HOUSE RESOLUTION ENSURING THAT CRIME VICTIMS AND THEIR FAMILIES AND CRIME WITNESSES RECEIVE ALL THE RIGHTS TO WHICH THEY ARE ENTITLED UNDER CHAPTER 801D, HAWAII REVISED STATUTES, INCLUDING NOTICE OF SIGNIFICANT EVENTS REGARDING THE PERPETRATOR," was jointly offered by Representatives Cabanilla, Awana and Nishimoto.

H.R. No. 126, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF VETERINARY EXAMINERS TO CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ESTABLISHING A CONTINUING EDUCATION REQUIREMENT FOR VETERINARIANS," was jointly offered by Representatives Thielen and McKelvey.

H.R. No. 127, entitled: "HOUSE RESOLUTION URGING THE DEVELOPMENT OF A COORDINATED PLAN TO ASSIST HOME GARDENERS WITH FORMING COMMUNITY-BASED, HOME ORGANIC PRODUCE COOPERATIVES," was jointly offered by Representatives Belatti, Luke and Rhoads.

H.R. No. 128, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE THE UNITED STATES-KOREA TRADE AGREEMENT," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno, Wooley, Souki and Tsuji.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING TO ESTABLISH A SISTER-STATE RELATIONSHIP WITH QUEENSLAND, AUSTRALIA FOR ECONOMIC, CULTURAL, AND INTELLECTUAL BENEFITS," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno, Rhoads, Tsuji, Wooley, M. Lee and Souki.

H.R. No. 130, entitled: "HOUSE RESOLUTION REQUESTING A TASK FORCE TO ESTABLISH A SISTER-STATE RELATIONSHIP WITH THE MARITIME PROVINCE, RUSSIA, FOR ECONOMIC, CULTURAL, SECURITY, AND INTELLECTUAL BENEFITS," was jointly offered by Representatives Awana, Hashem, Mizuno, Rhoads, Souki, Tsuji, Wooley and M. Lee.

H.R. No. 131, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE NECESSARY ASIA-PACIFIC ECONOMIC COOPERATION-RELATED PUBLIC WORKS PROJECTS BEFORE THE COMMENCEMENT OF THE ASIA-PACIFIC ECONOMIC COOPERATION SUMMIT," was jointly offered by Representatives Awana, Hashem, Mizuno, Souki, M. Lee, Rhoads, Tsuji and Wooley.

H.R. No. 132, entitled: "HOUSE RESOLUTION PROMOTING AND SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," was jointly offered by Representatives Awana, Herkes, Mizuno, Souki, Tsuji and Rhoads.

H.R. No. 133, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO ASSESS, IMPOSE, LEVY, AND COLLECT AN ADDITIONAL FIVE PERCENT IMPACT FEE ON THE DEVELOPMENT COST OF HOUSING UNITS PRICED AT OR ABOVE \$700,000 TO BE DEPOSITED INTO A SPECIAL FUND TO DEVELOP PARKS FOR HOMELESS PERSONS," was offered by Representative Cabanilla.

H.R. No. 134, entitled: "HOUSE RESOLUTION URGING PLANNED COMMUNITY ASSOCIATIONS TO ALLOW ASSOCIATION MEMBERS OR BONA FIDE TENANTS OF ASSOCIATION MEMBERS TO DISPLAY A UNITED STATES OR STATE OF HAWAII FLAG MOUNTED ON A RESIDENTIAL DWELLING THAT THE MEMBER OWNS OR HAS RENTED TO A BONA FIDE TENANT; PROVIDED THAT THE FLAG SHAFT DOES NOT EXCEED SIX FEET IN LENGTH AND THE FLAG DOES NOT EXCEED THREE FEET BY FIVE FEET IN SIZE," was offered by Representative Cabanilla.

H.R. No. 135, entitled: "HOUSE RESOLUTION URGING THAT THE REMAINDER OF PROCEEDS FOLLOWING A FORECLOSURE SALE BE PAID TO THE PREVIOUS MORTGAGOR OF THE FORECLOSED PROPERTY OR TO THE UNCLAIMED PROPERTY TRUST FUND," was offered by Representative Cabanilla.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A SPECIALIZED DOMESTIC VIOLENCE UNIT WITHIN THE CHILD WELFARE SERVICES BRANCH OF THE DEPARTMENT OF HUMAN SERVICES," was jointly offered by Representatives Mizuno, Aquino, Awana, Brower, Cabanilla and Manahan.

H.R. No. 137, entitled: "HOUSE RESOLUTION URGING THE HAWAII MEDICAL BOARD TO REQUIRE CLINICAL PHYSICIAN PRACTITIONERS TO COMPLETE 12 HOURS OF CONTINUING MEDICAL EDUCATION ON PALLIATIVE CARE EVERY FOUR YEARS IN ORDER TO MAINTAIN LICENSURE," was offered by Representative Cabanilla.

H.R. No. 138, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO PROVIDE ACADEMIC CREDIT OR SOME OTHER INCENTIVE OR PENALTY TO MOTIVATE STUDENTS TO TAKE THE ADEQUATE YEARLY PROGRESS TESTS SERIOUSLY," was jointly offered by Representatives Chong, Awana, Cabanilla, Cullen, Hashem, Mizuno, Nishimoto, M. Oshiro, Say, Souki, Tokioka, Tsuji, Yamashita, Chang, Ichiyama, Ito, Jordan, M. Lee, Nakashima, B. Oshiro, Rhoads and Takumi.

H.R. No. 139, entitled: "HOUSE RESOLUTION CREATING THE TASK FORCE ON ESTABLISHING THE BANK OF THE STATE OF HAWAII," was jointly offered by Representatives M. Oshiro, Choy, Hashem, M. Lee, McKelvey, Tsuji, Yamashita and Herkes.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF GENERAL AVIATION LOTS AT THE KONA INTERNATIONAL AIRPORT AT KEAHOE, HAWAII," was jointly offered by Representatives Coffman and Evans.

H.R. No. 141, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, TO CONTINUE ITS SUPPORT OF THE KONA COMPOSITE SQUADRON OF THE CIVIL AIR PATROL BY RESTORING ITS ORIGINAL LAND AREA, ENLARGING THE PRESENT BUILDING FACILITY TO ITS ORIGINAL DESIGN SIZE, AND ASSISTING WITH THE ACQUISITION OF EQUIPMENT," was jointly offered by Representatives Coffman and Evans.

H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER," was jointly offered by Representatives Evans, Chang, Coffman, Herkes, Nakashima and Tsuji.

H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING THAT A TASK FORCE BE ESTABLISHED TO IDENTIFY THE LIBRARY SERVICES NEEDED IN UNDERSERVED COMMUNITIES AND SEEK COMMUNITY RESOURCES TO OFFSET THE LOSS OF FUNDING TO LIBRARIES," was offered by Representative Takumi.

H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was jointly offered by Representatives M. Oshiro and M. Lee.

H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT," was jointly offered by Representatives Jordan, Carroll, Hanohano, Hashem, C. Lee, Morikawa, B. Oshiro, Wooley, Awana, Brower, Cabanilla, M. Lee, Nishimoto, Rhoads, Tokioka and Tsuji.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO IDENTIFY AND ASSESS THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INITIATIVES AND PROGRAMS IN PUBLIC SCHOOLS," was jointly offered by Representatives Jordan, Hanohano, Yamane, Luke and Rhoads.

H.R. No. 147, entitled: "HOUSE RESOLUTION EXPRESSING OPPOSITION TO A CONGRESSIONAL HEARING ON MUSLIM RADICALIZATION," was offered by Representative Takumi.

H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO STUDY DNA COLLECTION OF ARRESTEES IN OTHER JURISDICTIONS," was jointly offered by Representatives Marumoto, Chang, McKelvey, Mizuno and Nishimoto.

H.R. No. 149, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE THE IMPLEMENTATION OF SALT LAKE DISTRICT PARK MASTER PLAN," was offered by Representative Ichiyama.

H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE THE FERAL ANIMAL CONFLICT RESOLUTION WORKING GROUP TO DEVELOP AND RECOMMEND STATEWIDE COMPREHENSIVE FERAL ANIMALS MANAGEMENT POLICIES," was jointly offered by Representatives Evans, Awana, Coffman, Hashem, Manahan, Nishimoto, B. Oshiro, Tsuji, Cabanilla, Carroll, Herkes, McKelvey, Nakashima and Tokioka.

H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING THE SAN FRANCISCO MEXICAN CONSULATE TO CONSIDER ESTABLISHMENT OF A MEXICAN CONSULATE IN HAWAII," was jointly offered by Representatives Awana and Evans.

H.R. No. 152, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO INCLUDE, AS PART OF THE MINIMUM COURSE AND CREDIT REQUIREMENTS FOR PUBLIC HIGH SCHOOL GRADUATION, A REQUIREMENT THAT ALL PUBLIC HIGH SCHOOL STUDENTS OBTAIN CREDIT FOR THE EQUIVALENT OF ONE YEAR OF INSTRUCTION IN HAWAIIAN LANGUAGE," was jointly offered by Representatives Carroll, Brower, Cullen, Herkes, C. Lee, Luke, McKelvey, Mizuno and Nakashima.

H.R. No. 153, entitled: "HOUSE RESOLUTION REQUESTING EACH SCHOOL WITHIN A REGIONAL ADMINISTRATIVE DISTRICT WHERE TARO FARMS ARE LOCATED TO SERVE POI OR OTHER TARO PRODUCTS, AND REQUESTING THE DIRECTOR OF THE AGRICULTURE EDUCATION PROGRAM TO ARRANGE FOR WORK, VOLUNTEER, OR STUDY OPPORTUNITIES ON TARO FARMS," was jointly offered by Representatives Carroll, Brower, Hanohano and Luke.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE FEASIBILITY OF IMPLEMENTING A LABELING SYSTEM FOR GENETICALLY ENGINEERED FOODS," was jointly offered by Representatives Carroll, Belatti, Hanohano, Keith-Agaran, C. Lee and Nakashima.

H.R. No. 155, entitled: "HOUSE RESOLUTION AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND URGING MEMBERS OF THE UNITED STATES CONGRESS TO PROPOSE THE PARENTAL RIGHTS AMENDMENT TO THE STATES FOR RATIFICATION," was jointly offered by Representatives Carroll, Hanohano, McKelvey, Mizuno and Brower.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE GEOTHERMAL ROYALTIES," was offered by Representative Hanohano.

H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," was jointly offered by Representatives Herkes, Carroll, Chang, Coffman, Evans, Fontaine, Hanohano, Keith-Agaran, McKelvey, Nakashima, Souki, Tsuji and Yamashita.

[Note: The following House Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.R. No. 158, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A CROSSWALK ON UPPER AIKI STREET ALONG KUPUNA LOOP IN VILLAGE PARK FOR PEDESTRIAN SAFETY," was offered by Representative Cullen.

H.R. No. 159, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A LEFT-TURN SIGNAL AND LEFT-STORAGE LANE FOR MOTORISTS TRAVELING ON LUMIAINA STREET AND TURNING ONTO KAMEHAMEHA HIGHWAY TO EASE TRAFFIC CONGESTION IN WAIKELE," was jointly offered by Representatives Cullen and Aquino.

H.R. No. 160, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A TRAFFIC LIGHT SIGNAL AT THE INTERSECTION OF HONOWAI AND WAIPAHU STREETS IN WAIPAHU TO RELIEVE TRAFFIC CONGESTION," was jointly offered by Representatives Cullen and Aquino.

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," was offered by Representative Choy.

H.R. No. 162, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A FOUR-WAY STOP AT THE INTERSECTION OF MANAGERS DRIVE AND HIAPO STREET IN WAIPAHU," was offered by Representative Aquino.

H.R. No. 163, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO CONDUCT A TRAFFIC AND PEDESTRIAN STUDY OF THE INTERSECTION OF MOKUOLA AND HIKIMOE STREETS IN WAIPAHU," was offered by Representative Aquino.

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE AND UPDATE THE STATE WATER PROJECTS PLAN AND THE NORTH KONA WATER MASTER PLAN," was offered by Representative Evans.

H.R. No. 165, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO EXAMINE THE COST SAVINGS OF LIMITING THE HOURS WHEN ROADWAY LIGHTING IS TURNED ON OR REMOVING ROADWAY LIGHTS COMPLETELY," was jointly offered by Representatives Wooley, C. Lee, Choy, Keith-Agaran and Souki.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING THE REPUBLIC OF TURKEY TO UPHOLD AND SAFEGUARD RELIGIOUS AND HUMAN RIGHTS, TO CEASE DISCRIMINATION AGAINST THE ECUMENICAL PATRIARCHATE, TO GRANT THE ECUMENICAL PATRIARCH APPROPRIATE ECUMENICAL RECOGNITION, ECCLESIASTIC SUCCESSION, AND THE RIGHT TO TRAIN CLERGY OF ALL NATIONALITIES, AND TO RESPECT THE PROPERTY RIGHTS, HUMAN RIGHTS, AND RELIGIOUS RIGHTS OF THE ECUMENICAL PATRIARCHATE," was jointly offered by Representatives Luke, Aquino, Cabanilla, Morikawa and Nakashima.

H.R. No. 167, entitled: "HOUSE RESOLUTION URGING THE PERFORMANCE OF A COST-BENEFIT ANALYSIS ON THE REDUCTION OF STREET LIGHTING ON OAHU AND AN EXAMINATION OF THE EFFECTS THIS REDUCTION MAY HAVE ON LIGHT POLLUTION," was jointly offered by Representatives Luke, Brower, Ching, Evans, Hanohano, Herkes, Keith-Agaran, C. Lee, Mizuno, Nakashima, Nishimoto, Wooley, Belatti, Fontaine, Johanson and Takai.

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF THE LUPUS AWARENESS TASK FORCE," was jointly offered by Representatives Yamane, Belatti, Evans, Ichiyama, M. Lee and Morikawa.

H.R. No. 169, entitled: "HOUSE RESOLUTION AFFIRMING THE INTENT OF THE LEGISLATURE THAT AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN BE DONE THROUGH THE PUBLIC HEARINGS PROCESS," was offered by Representative Yamane.

H.R. No. 170, entitled: "HOUSE RESOLUTION SUPPORTING THE WORKFORCE PIPELINE PROGRAM OF THE THIRTY METER TELESCOPE PROJECT," was jointly offered by Representatives Chang, Coffman, Evans, Hanohano, Herkes, Nakashima and Tsuji.

H.R. No. 171, entitled: "HOUSE RESOLUTION URGING THE JUDICIARY TO EXPEDITE THE SELECTION OF THE SITE FOR THE KONA JUDICIARY COMPLEX AND CONSIDER LA'ŌPUA AS A POTENTIAL SITE FOR THE COMPLEX," was jointly offered by Representatives Chang, Coffman, Evans, Hanohano, Herkes, Nakashima and Tsuji.

H.R. No. 172, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE HOW THE LAND USE COMMISSION CAN REQUIRE MITIGATION FOR THE LOSS OF AGRICULTURAL LANDS," was offered by Representative Wooley.

H.R. No. 173, entitled: "HOUSE RESOLUTION ESTABLISHING A FLOOD CONTROL TASK FORCE TO EXPLORE THE CHALLENGES OF FLOOD CONTROL," was offered by Representative Wooley.

H.R. No. 174, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII SUPREME COURT STANDING COMMITTEE ON THE RULES OF EVIDENCE TO STUDY AND REPORT ON THE IMPLEMENTATION OF THE HAWAII UNIFORM COLLABORATIVE LAW ACT," was jointly offered by Representatives Keith-Agaran, Aquino, Carroll, Evans, Hanohano, Herkes, Ito, Luke, McKelvey, B. Oshiro, Say, Tsuji, Rhoads and Souki.

H.R. No. 175, entitled: "HOUSE RESOLUTION RECOGNIZING THE SEVERITY OF THE CRISIS BEING EXPERIENCED BY THE PEOPLE OF JAPAN WITH THE RECENT EVENTS OF AN EARTHQUAKE AND TSUNAMI AND URGING THE HAWAII STATE GOVERNMENT EXPRESS THE COMPASSION OF THE HAWAIIAN PEOPLE, THE ONENESS IN OUR CULTURAL OHANA, AND FINANCIAL AND BUSINESS TIES, AND FURNISHING FINANCIAL ASSISTANCE, BASIC NECESSITIES, AND MENTAL HEALTH CARE TO THE JAPANESE PEOPLE," was jointly offered by Representatives Ward, Ching, Fontaine, Johanson, Marumoto, Pine and Riviere.

H.R. No. 176, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO FORM A TASK FORCE TO INITIATE THE PLANNING AND DESIGN PROCESS TO DEVELOP A CORRECTIONAL TREATMENT FACILITY TO HOUSE ONE THOUSAND TO ONE THOUSAND TWO HUNDRED INMATES ON UNDEVELOPED HAWAIIAN HOME LANDS ON THE ISLAND OF HAWAII," was jointly offered by Representatives Chang, Cabanilla, Carroll, Coffman, Evans, Hanohano, Herkes, Ito, McKelvey, Mizuno, Nakashima, Tokioka, Tsuji, Aquino, Choy, Cullen, Har, Keith-Agaran, Nishimoto, Souki and Takumi.

H.R. No. 177, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011," was offered by Representative B. Oshiro.

H.R. No. 178, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO BEGIN DISCUSSIONS AND PLANS TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS TO BUILD PRISONS AND CORRECTIONAL FACILITIES IN THE STATE," was offered by Representative Aquino.

H.R. No. 179, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," was offered by Representative Aquino.

H.R. No. 180, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was jointly offered by Representatives Morikawa, Awana, Belatti, Cabanilla, Carroll, Ching, Evans, Hanohano, Har, Ichiyama, Jordan, M. Lee, Luke, Marumoto, Mizuno, Thielen and Wooley.

H.R. No. 181, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF AQUATIC RESOURCES, TO DETERMINE THE POPULATION OF THE AKULE SPECIES AND ESTABLISH A MANAGEMENT PRACTICE TO PRESERVE THE SPECIES," was jointly offered by Representatives Morikawa, Evans, Hanohano, M. Lee, Mizuno, Ward, Wooley, Belatti, Cabanilla, Chong, Coffman, Fontaine, Herkes, Ito and Nakashima.

H.R. No. 182, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A DEVELOPMENTAL SCREENING TASK FORCE TO REVIEW EARLY CHILDHOOD DEVELOPMENTAL SCREENING PILOT PROJECTS, AND MAKE RECOMMENDATIONS FOR THE DEVELOPMENT OF AN EARLY CHILDHOOD DEVELOPMENTAL SCREENING SYSTEM IN HAWAII," was jointly offered by Representatives Morikawa and Mizuno.

H.R. No. 183, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING THE MY SAFE DRAWER COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," was jointly offered by Representatives Morikawa and Mizuno.

H.R. No. 184, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTY OF KAUAI TO WORK TOGETHER TO CREATE UNIFORM RULES AND ORDINANCES REGULATING THE OPERATION OF MOTOR VEHICLES ON KAUAI'S BEACHES," was offered by Representative Morikawa.

H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE, NO LATER THAN DECEMBER 15, 2011, ON THE PROGRESS OF THE KOKE'E STATE PARK ADVISORY COUNCIL," was offered by Representative Morikawa.

H.R. No. 186, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF A HAWAII MENTAL HEALTH COMMISSION TO DEVELOP A UNIFIED STATE MENTAL HEALTH DELIVERY SERVICE," was jointly offered by Representatives Morikawa, Ching, Evans, Ito, Mizuno, Nakashima, Nishimoto, Takai, Takumi, Wooley, Cabanilla, Cullen, Hashem and Jordan.

H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO EXPLORE THE OPTIONS OF TELECOMMUNICATING FOR COMMITTEE HEARINGS," was jointly offered by Representatives Riviere, Ching, Evans, Fontaine, Keith-Agaran, C. Lee, Marumoto, McKelvey, Thielen, Cabanilla, Chang, Cullen, B. Oshiro and Pine.

H.R. No. 188, entitled: "HOUSE RESOLUTION URGING THE NATIONAL FOOTBALL LEAGUE TO HOLD A PRESEASON FOOTBALL GAME IN HAWAII," was jointly offered by Representatives Tokioka, Aquino, Brower, Chang, Ito, Nishimoto, Say, Cullen, Har, Herkes and Takumi.

H.R. No. 189, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE APPLICATION AND ENFORCEMENT OF SECTION 571-46, HAWAII REVISED STATUTES," was jointly offered by Representatives Fontaine, Awana, Carroll, Hanohano, C. Lee, M. Lee, Marumoto, McKelvey, Mizuno, Pine, Riviere, Souki, Wooley, Aquino, Cabanilla, Ching, Ito, Johanson, Keith-Agaran, Morikawa, Nakashima, Nishimoto and Ward.

H.R. No. 190, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE CURRENT LAW AND PROCEDURES RELATING TO THE DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR TO ANOTHER JURISDICTION," was offered by Representative Say.

H.R. No. 191, entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO PROTECT AND PRESERVE THE AHUPUAA SURROUNDING NA WAI EHA IN MAUI," was jointly offered by Representatives Carroll, McKelvey, Souki and Yamashita.

H.R. No. 192, entitled: "HOUSE RESOLUTION URGING FAMILIES THAT EXPERIENCE BULLYING IN THE HOME TO SEEK COUNSELING AND THE JUDICIARY TO REQUIRE COUNSELING FOR THOSE CONVICTED OF A CRIME WHOSE FACTS SUGGEST BULLYING," was jointly offered by Representatives Carroll, C. Lee and McKelvey.

H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REQUIRE COUNSELING FOR ANYONE INVOLVED WITH BULLYING IN SCHOOL AND POSSIBLE EXPULSION FOR FAILURE TO COMPLY THEREWITH," was jointly offered by Representatives Carroll, McKelvey, C. Lee and Tokioka.

H.R. No. 194, entitled: "HOUSE RESOLUTION REQUESTING THE INCORPORATION OF LOCAL AGRICULTURAL PRODUCTS IN SCHOOL MEALS AND EXPANSION OF THE AGRICULTURE EDUCATION PROGRAM FOR PUBLIC SCHOOLS TO ALLOW STUDENTS TO WORK, VOLUNTEER, OR STUDY AT FARMS," was jointly offered by Representatives Carroll, Brower, Jordan, McKelvey, Nakashima and Tokioka.

H.R. No. 195, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PARTNER WITH THE OFFICE OF HAWAIIAN AFFAIRS AND OTHER APPROPRIATE ENTITIES TO PROVIDE SUPPORT SERVICES TO ITS BENEFICIARIES TO ENCOURAGE SUCCESSFUL FARMING ON AGRICULTURAL AND PASTORAL LANDS," was jointly offered by Representatives Carroll, Hanohano, Jordan and McKelvey.

H.R. No. 196, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY THE FEASIBILITY OF ESTABLISHING KANAKA VILLAGES FOR HOMELESS NATIVE HAWAIIANS," was jointly offered by Representatives Carroll, Hanohano, Jordan and McKelvey.

H.R. No. 197, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO ADOPT ORDINANCES IDENTIFYING AND PROTECTING CULTURALLY VALUABLE SITES," was jointly offered by Representatives Carroll, Hanohano, Jordan and C. Lee.

H.R. No. 198, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII AND EACH OF THE COUNTIES TO EXEMPT KULEANA LANDOWNERS FROM PAYING ANY STATE, COUNTY, OR MUNICIPAL TAXES, FEES, OR CHARGES FOR WATER USAGE IN CONNECTION WITH KULEANA LANDOWNERS' APPURTENANT WATER RIGHTS," was jointly offered by Representatives Carroll, Jordan, C. Lee and McKelvey.

H.R. No. 199, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DETERMINE WHETHER CHILDREN OF FAMILIES RECEIVING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FEDERAL FUNDS HAVE A HIGHER RATE OF TRUANCY," was jointly offered by Representatives Har, Awana, Chang, Ito, Mizuno, Tokioka, Tsuji, Souki and Takumi.

H.R. No. 200, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE CITY AND COUNTY OF HONOLULU TO INVESTIGATE ILLEGAL SOLID WASTE MANAGEMENT SYSTEMS, ILLEGAL DUMPING, AND TO PROSECUTE THOSE FOUND TO BE RUNNING THESE SYSTEMS OR DUMPING ILLEGALLY," was jointly offered by Representatives Johanson, Aquino, Belatti, Cabanilla, Chang, Ching, Evans, Fontaine, Hanohano, Hashem, Ichiyama, Keith-Agaran, C. Lee, Luke, McKelvey, Nishimoto, Riviere, Souki, Takai, Tokioka, Tsuji, Ward, Wooley, Brower, Marumoto, Nakashima and Rhoads.

H.R. No. 201, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF EDUCATION TO ACCEPT THE NATIONALLY RECOGNIZED AMERICAN COLLEGE TESTING (ACT) SCHOLASTIC APTITUDE EXAMINATION RESULTS FOR DETERMINING IF A SCHOOL IS MEETING 'NO CHILD LEFT BEHIND' COMPLIANCE," was jointly offered by Representatives Johanson, Ching, Hanohano, Takai, Aquino, Belatti, Chang, Hashem, C. Lee, Nakashima, Nishimoto and Takumi.

H.R. No. 202, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS MILLENNIUM DEVELOPMENT GOALS," was offered by Representative Rhoads.

H.R. No. 203, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PUBLICIZE CERTAIN INTERNATIONAL TREATIES AND PROTOCOLS TO COUNTY AND STATE AGENCIES AND TO PREPARE TEMPLATES FOR COUNTY AND STATE AGENCIES TO USE TO CREATE REPORTS PERTAINING TO THOSE TREATIES AND PROTOCOLS," was offered by Representative Rhoads.

H.R. No. 204, entitled: "HOUSE RESOLUTION SUPPORTING DW AINA LE'A DEVELOPMENT LLC'S CONTINUED BUILDOUT OF THE URBAN DEVELOPMENT BETWEEN THE MAUNA LANI RESORT DEVELOPMENT AND WAIKOLOA VILLAGE, AS PERMITTED BY THE STATE AND COUNTY GOVERNMENTS," was jointly offered by Representatives Say and Evans.

H.R. No. 205, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM FOR THE PROPER DISPOSAL OF FLUORESCENT, COMPACT FLUORESCENT, AND HIGH PRESSURE SODIUM LAMPS AND TO RESTRICT OR PREVENT THE DISPOSAL OF THESE ITEMS IN LANDFILLS OR BY INCINERATION," was offered by Representative Ito.

H.R. No. 206, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII SYSTEM TO PROVIDE HIGHER EDUCATION TUITION WAIVERS FOR ALL ENROLLED NATIVE HAWAIIAN STUDENTS," was jointly offered by Representatives Awana, Hashem, Mizuno, Souki, Tsuji, Wooley, M. Lee and Rhoads.

H.R. No. 207, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ENFORCE THE FEDERAL TRADEMARK FOR KONA COFFEE," was jointly offered by Representatives Awana, Cabanilla, Mizuno, Chong, Hashem and Rhoads.

H.R. No. 208, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES," was jointly offered by Representatives Awana, Cabanilla, Chong and Hashem.

H.R. No. 209, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO EXPLORE THE POSSIBILITY OF ALLOWING GOVERNMENT AGENCIES PROVIDING GOVERNMENT ASSISTANCE TO CONDUCT RANDOM DRUG TESTING OF ADULT INDIVIDUALS RECEIVING PUBLIC ASSISTANCE AND SUSPENDING THIS ASSISTANCE IF THE INDIVIDUAL TESTS POSITIVE FOR SUBSTANCE ABUSE," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno and Chong.

H.R. No. 210, entitled: "HOUSE RESOLUTION RECOGNIZING MAY 2011 AS AMERICAN PSYCHIATRIC ASSOCIATION MONTH IN HAWAII," was jointly offered by Representatives Awana, Cabanilla, M. Lee, Mizuno, Rhoads, Chong and Hashem.

H.R. No. 211, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH OPPORTUNITIES TO DEVELOP AND FOSTER INTERNATIONAL RELATIONSHIPS," was jointly offered by Representatives Awana, Cabanilla, Chong, Hashem, Mizuno, M. Lee and Rhoads.

H.R. No. 212, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND THE PROVINCE OF MARRAKESH OF THE KINGDOM OF MOROCCO," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno, Chong and Rhoads.

H.R. No. 213, entitled: "HOUSE RESOLUTION REQUESTING ALL STATE DEPARTMENTS AND EACH COUNTY TO ASSIST IN THE RELIEF AND RECOVERY EFFORTS OF THOSE IN HAWAII AFFECTED BY THE MARCH 11, 2011, TSUNAMI," was offered by Representative Awana.

H.R. No. 214, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK TOGETHER TO IDENTIFY SUITABLE STATE LANDS FOR THE DEVELOPMENT OF A HIGH TECHNOLOGY PARK ON OAHU," was offered by Representative Yamashita.

H.R. No. 215, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO IDENTIFY AND PRIORITIZE REPAIR AND MAINTENANCE PROJECTS FOR ALL STATE BUILDINGS BASED ON HEALTH AND SAFETY NEEDS," was offered by Representative Yamashita.

H.R. No. 216, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was jointly offered by Representatives Manahan, Mizuno and Cabanilla.

H.R. No. 217, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DATA EXCHANGES IN ORDER TO VERIFY THE ELIGIBILITY OF RECIPIENTS OF MEDICAID ASSISTANCE," was offered by Representative Chong.

H.R. No. 218, entitled: "HOUSE RESOLUTION REQUESTING THAT THE TAX REVIEW COMMISSION CONDUCT A STUDY ON THE PROJECTED NET LOSS TO HAWAII RESIDENTS IN THEIR FEDERAL TAX LIABILITY THAT IS ATTRIBUTABLE TO THE MANNER IN WHICH THE STATE AND COUNTY GOVERNMENTS ARE CURRENTLY FUNDED," was offered by Representative Chong.

H.R. No. 219, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY ON WORKERS' COMPENSATION," was offered by Representative Wooley.

H.R. No. 220, entitled: "HOUSE RESOLUTION REQUESTING GOVERNMENT COLLABORATION WITH COMMUNITY-BASED ORGANIZATIONS TO DEVELOP AND IMPLEMENT METHODS OF IMPROVING THE PREVENTION OF TEENAGE PREGNANCIES," was jointly offered by Representatives Wooley and Mizuno.

H.R. No. 221, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO'S PACIFIC AQUACULTURE AND COASTAL RESOURCES CENTER TO CONVENE A WORKING GROUP TO EXAMINE THE FEASIBILITY OF ESTABLISHING A RESEARCH PROGRAM FOR THE STEWARDSHIP OF MARINE PROTECTED AREAS," was offered by Representative Wooley.

H.R. No. 222, entitled: "HOUSE RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO CONVENE A TASK FORCE TO EXPLORE THE CREATION OF A NEW, SUSTAINABLE SYMPHONY IN THE WAKE OF THE LIQUIDATION OF THE HONOLULU SYMPHONY," was jointly offered by Representatives Wooley and Hanohano.

H.R. No. 223, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO DETERMINE HOW BEST TO EXPAND AND STRENGTHEN THE USE OF SCHOOL GARDENS STATEWIDE," was jointly offered by Representatives Wooley, Takumi and Tsuji.

H.R. No. 224, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO RECONSIDER ITS PRACTICE OF REMOVING TREES WITH HISTORIC VALUE," was jointly offered by Representatives Wooley and Nishimoto.

H.R. No. 225, entitled: "HOUSE RESOLUTION REQUESTING THE INSTALLATION OF AUTOMATIC SPRINKLERS OR APPLICATION OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS TO BE REQUIRED UNDER THE STATE BUILDING CODE," was offered by Representative Aquino.

H.R. No. 226, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF PRIVATE BOATING FACILITIES STATEWIDE AND DETERMINE THE FEASIBILITY OF GENERATING ADDITIONAL REVENUES FROM COMMERCIAL OPERATIONS OCCURRING AT OR FROM THESE FACILITIES," was jointly offered by Representatives Jordan, Hanohano, M. Lee, Chang, Cullen, Evans, Ichiyama, McKelvey, Morikawa, Rhoads, Souki, Wooley and Yamane.

H.R. No. 227, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO RELEASE OR RESTORE FUNDS TO THE DEPARTMENT OF HUMAN SERVICES FOR PROGRAMS SERVING THE HOMELESS POPULATION ON THE LEEWARD COAST OF OAHU," was jointly offered by Representatives Mizuno and Awana.

H.R. No. 228, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS "DOWN SYNDROME EDUCATION AWARENESS MONTH" IN HAWAII," was jointly offered by Representatives Mizuno, Awana, Morikawa and Yamane.

H.R. No. 229, entitled: "HOUSE RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE CITY AND COUNTY OF HONOLULU IN THE WAKE OF THE MARCH 11, 2011, TSUNAMI," was jointly offered by Representatives Mizuno and Awana.

H.R. No. 230, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF REQUIRING PROOF OF MOTOR VEHICLE INSURANCE TO PURCHASE FUEL," was jointly offered by Representatives Mizuno and Awana.

H.R. No. 231, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR REDUCING THE SURCHARGE IMPOSED ON THE COUNTIES FOR THE COLLECTION OF THE SURCHARGE ON THE GENERAL EXCISE TAX TO FUND MASS TRANSIT PROJECTS," was jointly offered by Representatives Pine, Ching, Fontaine, Marumoto, Riviere and Ward.

H.R. No. 232, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE ESTABLISHMENT OF A NO-FAULT INSURANCE DATABASE REPORTING SYSTEM," was jointly offered by Representatives Pine, Ching, Fontaine, Johanson, Marumoto, Riviere, Ward and Mizuno.

H.R. No. 233, entitled: "HOUSE RESOLUTION SUPPORTING THE CONCEPT OF REQUIRING THAT ALL LEGISLATION PROPOSING TO INCREASE THE RATE OF ANY TAX COLLECTED BY THE STATE OR TO ENACT A NEW TAX BE PASSED BY A TWO-THIRDS SUPERMAJORITY VOTE," was jointly offered by Representatives Pine, Ching, Fontaine, Johanson, Marumoto, Riviere and Ward.

H.R. No. 234, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO PROPOSE AN AMENDMENT TO ARTICLE III, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REQUIRE ANY CANDIDATE FOR STATE LEGISLATIVE OFFICE TO BE A RESIDENT OF THE DISTRICT THAT THE CANDIDATE WILL REPRESENT FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE APPLICABLE GENERAL OR SPECIAL ELECTION OR APPOINTMENT TO OFFICE," was jointly offered by Representatives Pine, Ching, Fontaine, Marumoto, Riviere, Ward, Johanson and Mizuno.

H.R. No. 235, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO REVIEW STATE EXECUTIVE BRANCH PRACTICES IN DETERMINING WHETHER TO RELEASE FUNDS APPROPRIATED BY THE LEGISLATURE," was offered by Representative Carroll.

H.R. No. 236, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A GAMING TASK FORCE TO STUDY THE ECONOMIC AND SOCIAL IMPACTS OF ALLOWING GAMING AND ESTABLISHING CASINO OPERATIONS ON HAWAIIAN HOME LANDS," was offered by Representative Carroll.

H.R. No. 237, entitled: "HOUSE RESOLUTION DECLARING 'A' AS THE STATE ROCK," was jointly offered by Representatives M. Lee, Cabanilla, Ching, Ichiyama, C. Lee, Luke, Manahan, Mizuno, Souki, Wooley, Cullen and Riviere.

H.R. No. 238, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO LIFT THE BAN ON PRIVATE FUNDING OF ABORTIONS AT MILITARY BASES," was jointly offered by Representatives M. Lee, Chong, Coffman, Evans, Hanohano, Ichiyama, Jordan, C. Lee, Luke, Morikawa, B. Oshiro, M. Oshiro, Rhoads, Say, Wooley, Awana, Carroll and Marumoto.

H.R. No. 239, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES TO DETERMINE WHETHER BATH SALTS, ALSO KNOWN AS MEPHEDRONE AND METHYLENEDIOXYPYROVALERONE, SHOULD BE DESIGNATED AS A CONTROLLED SUBSTANCE," was jointly offered by Representatives M. Lee and Luke.

H.R. No. 240, entitled: "HOUSE RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," was jointly offered by Representatives Manahan and Brower.

H.R. No. 241, entitled: "HOUSE RESOLUTION URGING RETAILERS TO PROVIDE DISCOUNTS TO FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY PERSONNEL IN DEFERENCE TO THEIR WORK FOR THE PUBLIC HEALTH AND SAFETY," was jointly offered by Representatives C. Lee, Brower, Hanohano, Luke and Morikawa.

H.R. No. 242, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROVIDE IMMUNITY FROM LIABILITY FOR NEIGHBORHOOD BOARD MEMBERS ACTING IN THEIR OFFICIAL CAPACITY OR TO ENSURE THAT NEIGHBORHOOD BOARD MEMBERS WILL BE DEFENDED," was jointly offered by Representatives C. Lee, Brower, Hanohano, Luke and Morikawa.

H.R. No. 243, entitled: "HOUSE RESOLUTION SUPPORTING A POLICY FOR THE BROADCAST OF ALL PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES TO INCREASE CITIZEN PARTICIPATION AND TRANSPARENCY IN STATE AFFAIRS," was jointly offered by Representatives C. Lee, Brower, Hanohano, Luke and Morikawa.

H.R. No. 244, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES LIMITING THE POSSESSION OF PET ANIMALS," was jointly offered by Representatives C. Lee, Hanohano, Brower, Luke and Morikawa.

H.R. No. 245, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO MEASURE THE EFFECTIVENESS OF THE POST RETIREMENT ALLOWANCE IN FULFILLING ITS PURPOSE TO HELP OFFSET THE RISING COST OF LIVING AND KEEP UP WITH INFLATION," was jointly offered by Representatives Nakashima, Aquino, Ichiyama, Ito, Keith-Agaran, Morikawa and Takumi.

H.R. No. 246, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was jointly offered by Representatives Nakashima, Awana, Carroll, Keith-Agaran, M. Lee, McKelvey, Mizuno, Nishimoto, Belatti, Cabanilla, Chong, Cullen, Johanson, Jordan, Riviere, Tokioka, Ward and Wooley.

H.R. No. 247, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO DEVELOP STRATEGIES THAT WOULD INCREASE ACCESS TO PUBLIC HOUSING FOR QUALIFIED APPLICANTS," was jointly offered by Representatives Nakashima, Belatti, Carroll, Chang, Ching, Hanohano, Ito, Morikawa and Wooley.

H.R. No. 248, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AND THE CITY AND COUNTY OF HONOLULU TO SUPPORT A WASTE MANAGEMENT SYSTEM THAT EQUITABLY DISTRIBUTES ITS BENEFITS AND BURDENS ACROSS THE COMMUNITY," was offered by Representative Takai.

H.R. No. 249, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND ITS PILOT PROJECTS TO COOL HAWAII'S CLASSROOMS," was jointly offered by Representatives Takai, Belatti, Jordan and Takumi.

H.R. No. 250, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was jointly offered by Representatives Brower and Belatti.

H.R. No. 251, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND THE PROVINCE OF LIMA, PERU," was jointly offered by Representatives Hashem and Awana.

H.R. No. 252, entitled: "HOUSE RESOLUTION REQUESTING COMMERCIAL GENERAL LIABILITY INSURERS TO SUBMIT PREMIUM INFORMATION TO THE LEGISLATURE," was jointly offered by Representatives McKelvey, Awana, Evans, Marumoto, Pine and Say.

H.R. No. 253, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS," was jointly offered by Representatives McKelvey, Awana, Evans, Marumoto, Say and Pine.

H.R. No. 254, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AUDITOR TO AUDIT THE SPENDING OF THE DEPARTMENT OF HAWAIIAN HOME LANDS FROM JULY 1, 2001, TO JUNE 30, 2010, AND THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REPORT ANNUALLY TO THE LEGISLATURE ON CERTAIN INFORMATION REGARDING HOMESTEAD LOTS," was offered by Representative Hanohano.

H.R. No. 255, entitled: "HOUSE RESOLUTION URGING SUPPORT FOR DATA GATHERING RELATED TO IMPLEMENTATION OF ARTICLE XII, SECTION 1 OF THE HAWAII STATE CONSTITUTION," was offered by Representative Hanohano.

H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEARCH FOR A SITE IN LOWER PUNA TO HOUSE A LEARNING CENTER," was offered by Representative Hanohano.

H.R. No. 257, entitled: "HOUSE RESOLUTION REQUESTING A FISCAL AND COMPLIANCE AUDIT OF THE KAHŌ'OLawe REHABILITATION TRUST FUND AND THE ESTABLISHMENT OF A WORKING GROUP TO STUDY AND EVALUATE CERTAIN ISSUES CONCERNING THE KAHŌ'OLawe ISLAND RESERVE," was offered by Representative Hanohano.

H.R. No. 258, entitled: "HOUSE RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR AND REQUESTING THE REMOVAL OF THE TERM "TREATY OF ANNEXATION" CAST IN BRONZE ON THE STATUE OF PRESIDENT MCKINLEY ON THE GROUNDS OF MCKINLEY HIGH SCHOOL," was offered by Representative Hanohano.

H.R. No. 259, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ALLOW INDIVIDUAL WASTEWATER SYSTEMS TO BE A VIABLE AND AFFORDABLE SOLUTION TO SAFELY TREAT WASTEWATER RATHER THAN REQUIRING COSTLY CONNECTION TO MUNICIPAL WASTEWATER TREATMENT SYSTEMS," was offered by Representative Hanohano.

H.R. No. 260, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THE OFFICE OF HAWAIIAN AFFAIRS FOR ITS STUDY ON THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL-JUSTICE SYSTEM," was offered by Representative Hanohano.

H.R. No. 261, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE STATE'S COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006," was offered by Representative Hanohano.

H.R. No. 262, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY OPPORTUNITIES TO PROMOTE AND EXPAND HERITAGE TOURISM," was jointly offered by Representatives Ching, Aquino, Awana, Evans, Fontaine, Hanohano, C. Lee, Marumoto, McKelvey, Pine, Thielen, Ward, Belatti, Chang, Chong, Johanson, Keith-Agaran, M. Lee, Nishimoto, B. Oshiro, Riviere, Takumi and Tsuji.

H.R. No. 263, entitled: "HOUSE RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," was jointly offered by Representatives Ching, Aquino, Chang, Evans, McKelvey, Awana, Ichiyama, M. Lee, Nishimoto and Tsuji.

H.R. No. 264, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A NEW LANE ON LILIHA STREET BETWEEN KING STREET AND VINEYARD BOULEVARD," was jointly offered by Representatives Ching, Har, Ito, McKelvey, Mizuno, Pine, Yamane, Aquino, Evans, M. Lee, Nishimoto, Souki and Tsuji.

H.R. No. 265, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY 2012 AS "HAWAII-GROWN CACAO MONTH"," was jointly offered by Representatives Ching, Awana, Cabanilla, Chang, Har, Ito, McKelvey, Mizuno, Nishimoto, Pine, Tsuji, Yamane, Evans, Ichiyama, M. Lee, Souki, Takumi and Tokioka.

H.R. No. 266, entitled: "HOUSE RESOLUTION URGING THE SUPPORT FOR HOME ORGANIC PRODUCE COOPERATIVES," was jointly offered by Representatives Ching, Awana, Belatti, Fontaine, Hanohano, Marumoto, McKelvey, Nishimoto, Riviere, Takai, Ward, M. Lee and Tsuji.

H.R. No. 267, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII, DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM TO OPEN UP THE PARKING LOT AT THE FOREIGN-TRADE ZONE NO. 9, FROM 8 PM TO 6 AM TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was offered by Representative Cabanilla.

H.R. No. 268, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII TO OPEN UP THE PARKING LOT AT THE PREVIOUS QUEEN LILIOUKALANI SCHOOL, 3633 WAIALAE AVENUE HONOLULU, FROM 8 PM TO 6 AM TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was offered by Representative Cabanilla.

H.R. No. 269, entitled: "HOUSE RESOLUTION URGING BANK OF AMERICA TO FULFILL ITS COMMITMENT TO LEND \$150 MILLION UNDER FHA 247 FOR RESIDENTIAL MORTGAGE LOANS FOR HOUSING ON HAWAIIAN HOME LANDS," was offered by Representative C. Lee.

H.R. No. 270, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM AND ALL OF ITS INDIVIDUAL CAMPUSES," was jointly offered by Representatives Choy, Jordan, Keith-Agaran, Takai, Morikawa and Nakashima.

H.R. No. 271, entitled: "HOUSE RESOLUTION RECOGNIZING THE SERVICE OF DOGS AND REQUESTING THE GOVERNOR TO PROCLAIM THE MONTH OF AUGUST AS DOG RECOGNITION MONTH," was jointly offered by Representatives Ching, Brower, Choy, Pine and Ward.

H.R. No. 272, entitled: "HOUSE RESOLUTION REQUESTING FROM THE DEPARTMENT OF HEALTH AN UPDATE ON THE PROGRESS OF THEIR ACTION PLAN AND AN OVERVIEW OF THEIR STRATEGIES TO ADDRESS THE DIABETES EPIDEMIC IN THE STATE OF HAWAII," was offered by Representative Ching.

H.R. No. 273, entitled: "HOUSE RESOLUTION ESTABLISHING A HAWAII CACAO ECONOMIC OPPORTUNITY TASK FORCE TO DEVELOP A PLAN FOR THE DEVELOPMENT OF A PROCESSING PLANT FOR CACAO," was jointly offered by Representatives Ching, McKelvey, Awana, Evans, M. Lee and Tsuji.

H.R. No. 274, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST AS "NATIONAL ASSISTANCE DOG WEEK"," was jointly offered by Representatives Ching, Awana, Hanohano, Marumoto, McKelvey, Pine, Aquino, Chang, Evans, Fontaine, Ichiyama, Johanson, C. Lee, Riviere, Thielen and Ward.

H.R. No. 275, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ADOPT MORE BLUE ZONE VITALITY PROJECTS WITH ASSISTANCE AS-NEEDED FROM THE DEPARTMENT OF AGRICULTURE," was jointly offered by Representatives Ching, Aquino, Awana, Chang, Evans, M. Lee, McKelvey and Tsuji.

H.R. No. 276, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CREATE RULES TO ALLOW DOGS TO ACCOMPANY OWNERS IN OUTDOOR DINING AREAS AND THE WORKPLACE," was jointly offered by Representatives Ching, Awana, Chang, Har, McKelvey, Mizuno, Pine, Aquino, Evans, Ito, Souki and Tsuji.

H.R. No. 277, entitled: "HOUSE RESOLUTION REQUESTING THAT A DIABETES RESEARCH TASK FORCE BE ESTABLISHED TO STUDY PREVENTION STRATEGIES, TRACK POLICY CHANGES AND REPORT TO THE LEGISLATURE WITH RECOMMENDED ACTIONS FOR HALTING THE PROGRESSION OF PRE-DIABETES," was jointly offered by Representatives Ching, Belatti, Choy, Coffman, Cullen, Johanson, Keith-Agaran, Pine, Rhoads and Riviere.

H.R. No. 278, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS AND THE HAWAIIAN HOMES COMMISSION TO REVISE THEIR CRITERIA AND REQUIREMENTS FOR AWARDED COMMERCIAL LEASES TO CONFORM WITH THE RULING IN *LEIMOMI MO'OKINI LUM V. HAWAIIAN HOMES COMMISSION*," was offered by Representative Carroll.

H.R. No. 279, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO NEGOTIATE AN AGREEMENT WITH THE OWNERS OF MOLOKAI RANCH TO EXCHANGE STATE LANDS FOR MOLOKAI RANCH LANDS," was offered by Representative Carroll.

H.R. No. 280, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXAMINE THE FEASIBILITY OF JOINTLY ESTABLISHING A NATIVE HAWAIIAN RESEARCH, SCIENCE, AND TECHNOLOGY PARK," was offered by Representative Carroll.

H.R. No. 281, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT THE 'AHA MOKU COUNCILS, AS RECOMMENDED BY THE 'AHA KIOLE ADVISORY COMMITTEE, TO ADVISE THE STATE ON NATIVE HAWAIIAN RESOURCE MANAGEMENT PRACTICES," was offered by Representative Carroll.

H.R. No. 282, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ENTER INTO A LONG TERM CONTRACT WITH AN AGRICULTURAL TECHNICIAN FOR THE ISLAND OF MOLOKAI," was offered by Representative Carroll.

H.R. No. 283, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONVENE A TASK FORCE TO STUDY THE FEASIBILITY OF DEVELOPING AN ARENA AND TESTING AND INSPECTION FACILITY ON HAWAIIAN HOME LANDS ON MOLOKAI FOR THE PURPOSE OF TESTING BACKYARD POULTRY FLOCKS FOR AVIAN DISEASES," was offered by Representative Carroll.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE OFFICE OF STUDENT SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," was offered by Representative Nishimoto.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO STUDY THE STATE'S LAWS GOVERNING CEMETERY AND FUNERAL TRUSTS AND PROVIDE RECOMMENDATIONS TO ENSURE CONSUMER PROTECTION," was offered by Representative Cabanilla.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND WITNESSES TO A CRIME," was offered by Representative Cabanilla.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRIVATE ORGANIZATIONS, BOTH SECULAR AND RELIGIOUS, TO ENSURE GENDER EQUALITY IN THEIR LEADERSHIP POSITIONS," was jointly offered by Representatives Cabanilla, Mizuno, Carroll, Chang, Chong, Jordan, Keith-Agaran, M. Lee, Morikawa, B. Oshiro, Rhoads, Souki and Tokioka.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII TELEVISION, RADIO AND PRINT MEDIA OUTLETS TO ADDRESS THE "NOT IN MY BACK YARD" (NIMBY) ATTITUDE IN HAWAII," was jointly offered by Representatives Cabanilla, Hanohano, Mizuno, Carroll, Chong, Herkes, B. Oshiro and Souki.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION ENSURING THAT CRIME VICTIMS AND THEIR FAMILIES AND CRIME WITNESSES RECEIVE ALL THE RIGHTS TO WHICH THEY ARE ENTITLED UNDER CHAPTER 801D, HAWAII REVISED STATUTES, INCLUDING NOTICE OF SIGNIFICANT EVENTS REGARDING THE PERPETRATOR," was jointly offered by Representatives Cabanilla, Awana and Nishimoto.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF VETERINARY EXAMINERS TO CONVENE A TASK FORCE TO EXAMINE THE FEASIBILITY OF ESTABLISHING A CONTINUING EDUCATION REQUIREMENT FOR VETERINARIANS," was jointly offered by Representatives Thielen and McKelvey.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A COORDINATED PLAN TO ASSIST HOME GARDENERS WITH FORMING COMMUNITY-BASED, HOME ORGANIC PRODUCE COOPERATIVES," was jointly offered by Representatives Belatti, Luke and Rhoads.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was offered by Representative Say.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE THE UNITED STATES-KOREA TRADE AGREEMENT," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno, Wooley, Souki and Tsuji.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING TO ESTABLISH A SISTER-STATE RELATIONSHIP WITH QUEENSLAND, AUSTRALIA FOR ECONOMIC, CULTURAL, AND INTELLECTUAL BENEFITS," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno, Rhoads, Tsuji, Wooley, M. Lee and Souki.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A TASK FORCE TO ESTABLISH A SISTER-STATE RELATIONSHIP WITH THE MARITIME PROVINCE, RUSSIA, FOR ECONOMIC, CULTURAL, SECURITY, AND INTELLECTUAL BENEFITS," was jointly offered by Representatives Awana, Hashem, Mizuno, Rhoads, Souki, Tsuji, Wooley and M. Lee.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE NECESSARY ASIA-PACIFIC ECONOMIC COOPERATION-RELATED PUBLIC WORKS PROJECTS BEFORE THE COMMENCEMENT OF THE ASIA-PACIFIC ECONOMIC COOPERATION SUMMIT," was jointly offered by Representatives Awana, Hashem, Mizuno, Wooley, M. Lee, Rhoads, Souki and Tsuji.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION PROMOTING AND SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," was jointly offered by Representatives Awana, Herkes, Mizuno, Souki, Tsuji and Rhoads.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO ASSESS, IMPOSE, LEVY, AND COLLECT AN ADDITIONAL FIVE PERCENT IMPACT FEE ON THE DEVELOPMENT COST OF HOUSING UNITS PRICED AT OR ABOVE \$700,000 TO BE DEPOSITED INTO A SPECIAL FUND TO DEVELOP PARKS FOR HOMELESS PERSONS," was offered by Representative Cabanilla.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION URGING PLANNED COMMUNITY ASSOCIATIONS TO ALLOW ASSOCIATION MEMBERS OR BONA FIDE TENANTS OF ASSOCIATION MEMBERS TO DISPLAY A UNITED STATES OR STATE OF HAWAII FLAG MOUNTED ON A RESIDENTIAL DWELLING THAT THE MEMBER OWNS OR HAS RENTED TO A BONA FIDE TENANT; PROVIDED THAT THE FLAG SHAFT DOES NOT EXCEED SIX FEET IN LENGTH AND THE FLAG DOES NOT EXCEED THREE FEET BY FIVE FEET IN SIZE," was offered by Representative Cabanilla.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT THE REMAINDER OF PROCEEDS FOLLOWING A FORECLOSURE SALE BE PAID TO THE PREVIOUS MORTGAGOR OF THE FORECLOSED PROPERTY OR TO THE UNCLAIMED PROPERTY TRUST FUND," was offered by Representative Cabanilla.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A SPECIALIZED DOMESTIC VIOLENCE UNIT WITHIN THE CHILD WELFARE SERVICES BRANCH OF THE DEPARTMENT OF HUMAN SERVICES," was jointly offered by Representatives Mizuno, Aquino, Awana, Brower, Cabanilla and Manahan.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO UPHOLD THE CITIZENSHIP CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION," was jointly offered by Representatives Rhoads, Aquino, Awana, Belatti, Brower, Cabanilla, Chang, Cullen, Hanohano, Keith-Agaran, M. Lee, Manahan, McKelvey, Mizuno, Morikawa, Nakashima, Pine, Say, Souki, Tokioka, Tsuji, Yamane and Herkes.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII MEDICAL BOARD TO REQUIRE CLINICAL PHYSICIAN PRACTITIONERS TO COMPLETE 12 HOURS OF CONTINUING MEDICAL EDUCATION ON PALLIATIVE CARE EVERY FOUR YEARS IN ORDER TO MAINTAIN LICENSURE," was offered by Representative Cabanilla.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO PROVIDE ACADEMIC CREDIT OR SOME OTHER INCENTIVE OR PENALTY TO MOTIVATE STUDENTS TO TAKE THE ADEQUATE YEARLY PROGRESS TESTS SERIOUSLY," was jointly offered by Representatives Chong, Awana, Cabanilla, Cullen, Hashem, Mizuno, Nishimoto, M. Oshiro, Say, Souki, Tokioka, Tsuji, Yamashita, Chang, Ichiyama, Ito, Jordan, M. Lee, Nakashima, B. Oshiro, Rhoads and Takumi.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION CREATING THE TASK FORCE ON ESTABLISHING THE BANK OF THE STATE OF HAWAII," was jointly offered by Representatives M. Oshiro, Choy, Hashem, M. Lee, McKelvey, Tsuji, Yamashita and Herkes.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF ALL ENERGY EFFICIENCY PROJECTS," was jointly offered by Representatives M. Oshiro and Yamashita.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF GENERAL AVIATION LOTS AT THE KONA INTERNATIONAL AIRPORT AT KEAHOE, HAWAII," was jointly offered by Representatives Coffman and Evans.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, TO CONTINUE ITS SUPPORT OF THE KONA COMPOSITE SQUADRON OF THE CIVIL AIR PATROL BY RESTORING ITS ORIGINAL LAND AREA, ENLARGING THE PRESENT BUILDING FACILITY TO ITS ORIGINAL DESIGN SIZE, AND ASSISTING WITH THE ACQUISITION OF EQUIPMENT," was jointly offered by Representatives Coffman and Evans.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER," was jointly offered by Representatives Evans, Chang, Coffman, Herkes, Nakashima and Tsuji.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A TASK FORCE BE ESTABLISHED TO IDENTIFY THE LIBRARY SERVICES NEEDED IN UNDERSERVED COMMUNITIES AND SEEK COMMUNITY RESOURCES TO OFFSET THE LOSS OF FUNDING TO LIBRARIES," was offered by Representative Takumi.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was jointly offered by Representatives M. Oshiro and M. Lee.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY REGARDING THE TRANSFER OF NON-GENERAL FUNDS TO THE GENERAL FUND," was jointly offered by Representatives Jordan, Awana, Brower, Choy, Evans, Hanohano, Hashem, Ichiyama, Ito, C. Lee, McKelvey, Morikawa, Nishimoto, B. Oshiro, Takai, Wooley, Cabanilla, Carroll, Souki and Tsuji.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT," was jointly offered by Representatives Jordan, Carroll, Hanohano, Hashem, C. Lee, Morikawa, B. Oshiro, Wooley, Awana, Brower, Cabanilla, Ito, M. Lee, Nishimoto, Rhoads, Tokioka and Tsuji.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY," was jointly offered by Representatives Jordan, Brower, Carroll, Hanohano, Ito, C. Lee, Nishimoto, B. Oshiro, Takai, Wooley, Awana, Morikawa, Tokioka and Tsuji.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO IDENTIFY AND ASSESS THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INITIATIVES AND PROGRAMS IN PUBLIC SCHOOLS," was jointly offered by Representatives Jordan, Hanohano, Yamane, Luke and Rhoads.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO A CONGRESSIONAL HEARING ON MUSLIM RADICALIZATION," was offered by Representative Takumi.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A TASK FORCE TO STUDY DNA COLLECTION OF ARRESTEES IN OTHER JURISDICTIONS," was jointly offered by Representatives Marumoto, Chang, McKelvey, Mizuno, Nishimoto and Thielen.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE THE IMPLEMENTATION OF SALT LAKE DISTRICT PARK MASTER PLAN," was offered by Representative Ichiyama.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH MOANALUA GARDENS FOUNDATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF KAMANANUI (MOANALUA) VALLEY FOR EDUCATIONAL AND CULTURAL PURPOSES," was offered by Representative Ichiyama.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE THE FERAL ANIMAL CONFLICT RESOLUTION WORKING GROUP TO DEVELOP AND RECOMMEND STATEWIDE COMPREHENSIVE FERAL ANIMALS MANAGEMENT POLICIES," was jointly offered by Representatives Evans, Awana, Coffman, Hashem, Manahan, Nishimoto, B. Oshiro, Tsuji, Cabanilla, Carroll, Herkes, McKelvey, Nakashima and Tokioka.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SAN FRANCISCO MEXICAN CONSULATE TO CONSIDER ESTABLISHMENT OF A MEXICAN CONSULATE IN HAWAII," was jointly offered by Representatives Awana and Evans.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO INCLUDE, AS PART OF THE MINIMUM COURSE AND CREDIT REQUIREMENTS FOR PUBLIC HIGH SCHOOL GRADUATION, A REQUIREMENT THAT ALL PUBLIC HIGH SCHOOL STUDENTS OBTAIN CREDIT FOR THE EQUIVALENT OF ONE YEAR OF INSTRUCTION IN HAWAIIAN LANGUAGE," was jointly offered by Representatives Carroll, Brower, Cullen, Herkes, C. Lee, Luke, McKelvey, Mizuno and Nakashima.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EACH SCHOOL WITHIN A REGIONAL ADMINISTRATIVE DISTRICT WHERE TARO FARMS ARE LOCATED TO SERVE POI OR OTHER TARO PRODUCTS, AND REQUESTING THE DIRECTOR OF THE AGRICULTURE EDUCATION PROGRAM TO ARRANGE FOR WORK, VOLUNTEER, OR STUDY OPPORTUNITIES ON TARO FARMS," was jointly offered by Representatives Carroll, Brower, Hanohano and Luke.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE FEASIBILITY OF IMPLEMENTING A LABELING SYSTEM FOR GENETICALLY ENGINEERED FOODS," was jointly offered by Representatives Carroll, Hanohano, Keith-Agaran, C. Lee, Belatti and Nakashima.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE PARENTAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND URGING MEMBERS OF THE UNITED STATES CONGRESS TO PROPOSE THE PARENTAL RIGHTS AMENDMENT TO THE STATES FOR RATIFICATION," was jointly offered by Representatives Carroll, Hanohano, McKelvey, Mizuno and Brower.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE REAUTHORIZATION OF THE NATIVE HAWAIIAN EDUCATION ACT," was offered by Representative Hanohano.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO CALL FOR COMPREHENSIVE INDEPENDENT TESTING AND MONITORING TO DETERMINE THE EXTENT OF RADIOACTIVE CONTAMINATION AT THE POHAKULOA TRAINING AREA," was offered by Representative Hanohano.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE GEOTHERMAL ROYALTIES," was offered by Representative Hanohano.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," was jointly offered by Representatives Herkes, Carroll, Chang, Coffman, Evans, Fontaine, Hanohano, Keith-Agaran, McKelvey, Nakashima, Souki, Tsuji and Yamashita.

[Note: The following House Concurrent Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A CROSSWALK ON UPPER AIKI STREET ALONG KUPUNA LOOP IN VILLAGE PARK FOR PEDESTRIAN SAFETY," was offered by Representative Cullen.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A LEFT-TURN SIGNAL AND LEFT-STORAGE LANE FOR MOTORISTS TRAVELING ON LUMIAINA STREET AND TURNING ONTO KAMEHAMEHA HIGHWAY TO EASE TRAFFIC CONGESTION IN WAIKELE," was jointly offered by Representatives Cullen and Aquino.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A TRAFFIC LIGHT SIGNAL AT THE INTERSECTION OF HONOWAI AND WAIPAHU STREETS IN WAIPAHU TO RELIEVE TRAFFIC CONGESTION," was jointly offered by Representatives Cullen and Aquino.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," was offered by Representative Choy.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A FOUR-WAY STOP AT THE INTERSECTION OF MANAGERS DRIVE AND HIAPO STREET IN WAIPAHU," was offered by Representative Aquino.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO CONDUCT A TRAFFIC AND PEDESTRIAN STUDY OF THE INTERSECTION OF MOKUOLA AND HIKIMOE STREETS IN WAIPAHU," was offered by Representative Aquino.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE AND UPDATE THE STATE WATER PROJECTS PLAN AND THE NORTH KONA WATER MASTER PLAN," was offered by Representative Evans.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO EXAMINE THE COST SAVINGS OF LIMITING THE HOURS WHEN ROADWAY LIGHTING IS TURNED ON OR REMOVING ROADWAY LIGHTS COMPLETELY," was jointly offered by Representatives Wooley, C. Lee, Choy, Keith-Agaran and Souki.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE REPUBLIC OF TURKEY TO UPHOLD AND SAFEGUARD RELIGIOUS AND HUMAN RIGHTS, TO CEASE DISCRIMINATION AGAINST THE ECUMENICAL PATRIARCHATE, TO GRANT THE ECUMENICAL PATRIARCH APPROPRIATE ECUMENICAL RECOGNITION, ECCLESIASTIC SUCCESSION, AND THE RIGHT TO TRAIN CLERGY OF ALL NATIONALITIES, AND TO RESPECT THE PROPERTY RIGHTS, HUMAN RIGHTS, AND RELIGIOUS RIGHTS OF THE ECUMENICAL PATRIARCHATE," was jointly offered by Representatives Luke, Hanohano, Cabanilla, Morikawa and Wooley.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PERFORMANCE OF A COST-BENEFIT ANALYSIS ON THE REDUCTION OF STREET LIGHTING ON OAHU AND AN EXAMINATION OF THE EFFECTS THIS REDUCTION MAY HAVE ON LIGHT POLLUTION," was jointly offered by Representatives Luke, Belatti, Brower, Ching, Evans, Hanohano, Herkes, Keith-Agaran, C. Lee, Mizuno, Nakashima, Nishimoto, Takai, Wooley, Fontaine and Johanson.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF THE LUPUS AWARENESS TASK FORCE," was jointly offered by Representatives Yamane, Belatti, Evans, Ichiyama, M. Lee and Morikawa.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE INTENT OF THE LEGISLATURE THAT AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN BE DONE THROUGH THE PUBLIC HEARINGS PROCESS," was offered by Representative Yamane.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DEVELOP A QUALITY IMPROVEMENT INITIATIVE TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," was offered by Representative Yamane.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WORKFORCE PIPELINE PROGRAM OF THE THIRTY METER TELESCOPE PROJECT," was jointly offered by Representatives Chang, Coffman, Evans, Hanohano, Herkes, Nakashima and Tsuji.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE JUDICIARY TO EXPEDITE THE SELECTION OF THE SITE FOR THE KONA JUDICIARY COMPLEX AND CONSIDER LA'I'OPUA AS A POTENTIAL SITE FOR THE COMPLEX," was jointly offered by Representatives Chang, Coffman, Evans, Hanohano, Herkes, Nakashima and Tsuji.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO PERFORM A COMPREHENSIVE AUDIT OF ALL SPECIAL FUNDS OF THE STATE," was offered by Representative Wooley.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE HOW THE LAND USE COMMISSION CAN REQUIRE MITIGATION FOR THE LOSS OF AGRICULTURAL LANDS," was offered by Representative Wooley.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A FLOOD CONTROL TASK FORCE TO EXPLORE THE CHALLENGES OF FLOOD CONTROL," was offered by Representative Wooley.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII SUPREME COURT STANDING COMMITTEE ON THE RULES OF EVIDENCE TO STUDY AND REPORT ON THE IMPLEMENTATION OF THE HAWAII UNIFORM COLLABORATIVE LAW ACT," was jointly offered by Representatives Keith-Agaran, Aquino, Carroll, Evans, Hanohano, Herkes, Ito, Luke, McKelvey, B. Oshiro, Say, Tsuji, Rhoads and Souki.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A TASK FORCE TO STUDY AND RECOMMEND PROPOSED LEGISLATION REQUIRING THE COUNTIES TO TAKE RESPONSIBILITY FOR CERTAIN DISPUTED ROADS THAT ARE NOT BEING MAINTAINED," was jointly offered by Representatives Rhoads and Herkes.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO FORM A TASK FORCE TO INITIATE THE PLANNING AND DESIGN PROCESS TO DEVELOP A CORRECTIONAL TREATMENT FACILITY TO HOUSE ONE THOUSAND TO ONE THOUSAND TWO HUNDRED INMATES ON UNDEVELOPED HAWAIIAN HOME LANDS ON THE ISLAND OF HAWAII," was jointly offered by Representatives Chang, Cabanilla, Carroll, Coffman, Evans, Hanohano, Herkes, Ito, McKelvey, Mizuno, Nakashima, Tokioka, Tsuji, Aquino, Choy, Cullen, Har, Keith-Agaran, Nishimoto, Souki and Takumi.

H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011," was offered by Representative B. Oshiro.

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO GATHER STATISTICS ON INJURIES INVOLVING MOTORCYCLES, MOPEDS, BICYCLES AND ATV'S WITHOUT HELMETS IN THE STATE OF HAWAII," was offered by Representative Marumoto.

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO BEGIN DISCUSSIONS AND PLANS TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS TO BUILD PRISONS AND CORRECTIONAL FACILITIES IN THE STATE," was offered by Representative Aquino.

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," was offered by Representative Aquino.

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was jointly offered by Representatives Morikawa, Awana, Cabanilla, Carroll, Ching, Evans, Hanohano, Har, Ichiyama, Jordan, M. Lee, Luke, Marumoto, Mizuno, Thielen, Wooley and Belatti.

H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF AQUATIC RESOURCES, TO DETERMINE THE POPULATION OF THE AKULE SPECIES AND ESTABLISH A MANAGEMENT PRACTICE TO PRESERVE THE SPECIES," was jointly offered by Representatives Morikawa, Evans, Hanohano, M. Lee, Mizuno, Ward, Wooley, Belatti, Cabanilla, Chong, Coffman, Fontaine, Herkes, Ito and Nakashima.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A DEVELOPMENTAL SCREENING TASK FORCE TO REVIEW EARLY CHILDHOOD DEVELOPMENTAL SCREENING PILOT PROJECTS, AND MAKE RECOMMENDATIONS FOR THE DEVELOPMENT OF AN EARLY CHILDHOOD DEVELOPMENTAL SCREENING SYSTEM IN HAWAII," was jointly offered by Representatives Morikawa and Mizuno.

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING THE MY SAFE DRAWER COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," was jointly offered by Representatives Morikawa and Mizuno.

H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTY OF KAUAI TO WORK TOGETHER TO CREATE UNIFORM RULES AND ORDINANCES REGULATING THE OPERATION OF MOTOR VEHICLES ON KAUAI'S BEACHES," was offered by Representative Morikawa.

H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE, NO LATER THAN DECEMBER 15, 2011, ON THE PROGRESS OF THE KOKE'E STATE PARK ADVISORY COUNCIL," was offered by Representative Morikawa.

H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HAWAII MENTAL HEALTH COMMISSION TO DEVELOP A UNIFIED STATE MENTAL HEALTH DELIVERY SERVICE," was jointly offered by Representatives Morikawa, Ching, Evans, Ito, Mizuno, Nakashima, Nishimoto, Takai, Takumi, Wooley, Cabanilla, Cullen, Hashem, Jordan and Ward.

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO EXPLORE THE OPTIONS OF TELECOMMUNICATING FOR COMMITTEE HEARINGS," was jointly offered by Representatives Riviere, Chang, Ching, Evans, Fontaine, Keith-Agaran, C. Lee, Marumoto, McKelvey, Thielen, Ward, Cabanilla, Cullen, B. Oshiro and Pine.

H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL FOOTBALL LEAGUE TO HOLD A PRESEASON FOOTBALL GAME IN HAWAII," was jointly offered by Representatives Tokioka, Aquino, Brower, Chang, Ito, Nishimoto, Say, Cullen, Har, Herkes and Takumi.

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE APPLICATION AND ENFORCEMENT OF SECTION 571-46, HAWAII REVISED STATUTES," was jointly offered by Representatives Fontaine, Awana, Carroll, Hanohano, C. Lee, M. Lee, Marumoto, McKelvey, Mizuno, Pine, Riviere, Souki, Wooley, Aquino, Cabanilla, Ching, Ito, Johanson, Keith-Agaran, Morikawa, Nakashima, Nishimoto and Ward.

H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE CURRENT LAW AND PROCEDURES RELATING TO THE DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR TO ANOTHER JURISDICTION," was offered by Representative Say.

H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO PROTECT AND PRESERVE THE AHUPUAA SURROUNDING NA WAI EHA IN MAUI," was jointly offered by Representatives Carroll, McKelvey, Souki and Yamashita.

H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION URGING FAMILIES THAT EXPERIENCE BULLYING IN THE HOME TO SEEK COUNSELING AND THE JUDICIARY TO REQUIRE COUNSELING FOR THOSE CONVICTED OF A CRIME WHOSE FACTS SUGGEST BULLYING," was jointly offered by Representatives Carroll, C. Lee and McKelvey.

H.C.R. No. 222, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REQUIRE COUNSELING FOR ANYONE INVOLVED WITH BULLYING IN SCHOOL AND POSSIBLE EXPULSION FOR FAILURE TO COMPLY THEREWITH," was jointly offered by Representatives Carroll, McKelvey, C. Lee and Tokioka.

H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INCORPORATION OF LOCAL AGRICULTURAL PRODUCTS IN SCHOOL MEALS AND EXPANSION OF THE AGRICULTURE EDUCATION PROGRAM FOR PUBLIC SCHOOLS TO ALLOW STUDENTS TO WORK, VOLUNTEER, OR STUDY AT FARMS," was jointly offered by Representatives Carroll, Brower, Jordan, McKelvey, Nakashima and Tokioka.

H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PARTNER WITH THE OFFICE OF HAWAIIAN AFFAIRS AND OTHER APPROPRIATE ENTITIES TO PROVIDE SUPPORT SERVICES TO ITS BENEFICIARIES TO ENCOURAGE SUCCESSFUL FARMING ON AGRICULTURAL AND PASTORAL LANDS," was jointly offered by Representatives Carroll, Hanohano, Jordan and McKelvey.

H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO STUDY THE FEASIBILITY OF ESTABLISHING KANAKA VILLAGES FOR HOMELESS NATIVE HAWAIIANS," was jointly offered by Representatives Carroll, Hanohano, Jordan and McKelvey.

H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADOPT ORDINANCES IDENTIFYING AND PROTECTING CULTURALLY VALUABLE SITES," was jointly offered by Representatives Carroll, Hanohano, Jordan and C. Lee.

H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII AND EACH OF THE COUNTIES TO EXEMPT KULEANA LANDOWNERS FROM PAYING ANY STATE, COUNTY, OR MUNICIPAL TAXES, FEES, OR CHARGES FOR WATER USAGE IN CONNECTION WITH KULEANA LANDOWNERS' APPURTENANT WATER RIGHTS," was jointly offered by Representatives Carroll, Jordan, C. Lee and McKelvey.

H.C.R. No. 228, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DETERMINE WHETHER CHILDREN OF FAMILIES RECEIVING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FEDERAL FUNDS HAVE A HIGHER RATE OF TRUANCY," was jointly offered by Representatives Har, Awana, Chang, Ito, Mizuno, Tokioka, Tsuji, Souki and Takumi.

H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE CITY AND COUNTY OF HONOLULU TO INVESTIGATE ILLEGAL SOLID WASTE MANAGEMENT SYSTEMS, ILLEGAL DUMPING, AND TO PROSECUTE THOSE FOUND TO BE RUNNING THESE SYSTEMS OR DUMPING ILLEGALLY," was jointly offered by Representatives Johanson, Aquino, Belatti, Cabanilla, Chang, Ching, Evans, Fontaine, Hanohano, Hashem, C. Lee, Marumoto, Nakashima, Nishimoto, Souki, Takai, Tokioka and Keith-Agaran.

H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF EDUCATION TO ACCEPT THE NATIONALLY RECOGNIZED AMERICAN COLLEGE TESTING (ACT) SCHOLASTIC APTITUDE EXAMINATION RESULTS FOR DETERMINING IF A SCHOOL IS MEETING 'NO CHILD LEFT BEHIND' COMPLIANCE," was jointly offered by Representatives Johanson, Ching, Hanohano, Takai, Aquino, Belatti, Chang, Hashem, C. Lee, Nakashima, Nishimoto and Takumi.

H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was offered by Representative Rhoads.

H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING IMPLEMENTATION OF THE HUMAN RIGHTS RECOMMENDATIONS FROM THE 2010 UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF THE UNITED STATES OF AMERICA," was offered by Representative Rhoads.

H.C.R. No. 233, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS MILLENNIUM DEVELOPMENT GOALS," was offered by Representative Rhoads.

H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION'S DECLARATION ON A CULTURE OF PEACE," was offered by Representative Rhoads.

H.C.R. No. 235, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO ADOPT THE INTERNATIONAL LABOUR ORGANIZATION "CONVENTION CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES"," was offered by Representative Rhoads.

H.C.R. No. 236, entitled: "HOUSE CONCURRENT RESOLUTION URGING BUSINESSES THAT MAKE PRODUCTS IN HAWAII TO PRINT LABELS IN BOTH ENGLISH AND HAWAIIAN AND REQUESTING THE LEGISLATURE TO SET ASIDE ONE DAY OF EACH REGULAR SESSION TO PROMOTE THE HAWAIIAN LANGUAGE THROUGH SPEECH AND PRODUCTS MADE IN HAWAII," was offered by Representative Rhoads.

H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PUBLICIZE CERTAIN INTERNATIONAL TREATIES AND PROTOCOLS TO COUNTY AND STATE AGENCIES AND TO PREPARE TEMPLATES FOR COUNTY AND STATE AGENCIES TO USE TO CREATE REPORTS PERTAINING TO THOSE TREATIES AND PROTOCOLS," was offered by Representative Rhoads.

H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS," was jointly offered by Representatives Tsuji, Awana, Brower, Chong, Choy, Evans, Hashem, Ito, M. Lee, Manahan, Nishimoto, Riviere and Yamashita.

H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING DW AINA LE'A DEVELOPMENT LLC'S CONTINUED BUILDOUT OF THE URBAN DEVELOPMENT BETWEEN THE MAUNA LANI RESORT DEVELOPMENT AND WAIKOLOA VILLAGE, AS PERMITTED BY THE STATE AND COUNTY GOVERNMENTS," was jointly offered by Representatives Say and Evans.

H.C.R. No. 240, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE SALE OF STATE LAND LOCATED IN THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT AND IDENTIFIED AS TAX MAP KEY: (1) 2-1-51-14," was offered by Representative Cabanilla.

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO DEVELOP A PROGRAM FOR THE PROPER DISPOSAL OF FLUORESCENT, COMPACT FLUORESCENT, AND HIGH PRESSURE SODIUM LAMPS AND TO RESTRICT OR PREVENT THE DISPOSAL OF THESE ITEMS IN LANDFILLS OR BY INCINERATION," was offered by Representative Ito.

H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONVENING OF TASK FORCES TO DEVELOP COMMUNITY BENEFITS PACKAGES FOR THE NEIGHBORHOODS LOCATED NEAREST TO LANDFILLS," was offered by Representative Awana.

H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII SYSTEM TO PROVIDE HIGHER EDUCATION TUITION WAIVERS FOR ALL ENROLLED NATIVE HAWAIIAN STUDENTS," was jointly offered by Representatives Awana, Cabanilla, Mizuno, Chong and Hashem.

H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ENFORCE THE FEDERAL TRADEMARK FOR KONA COFFEE," was jointly offered by Representatives Awana, Cabanilla, Mizuno, Chong, Hashem and Rhoads.

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES," was jointly offered by Representatives Awana, Cabanilla, Chong and Hashem.

H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO EXPLORE THE POSSIBILITY OF ALLOWING GOVERNMENT AGENCIES PROVIDING GOVERNMENT ASSISTANCE TO CONDUCT RANDOM DRUG TESTING OF ADULT INDIVIDUALS RECEIVING PUBLIC ASSISTANCE AND SUSPENDING THIS ASSISTANCE IF THE INDIVIDUAL TESTS POSITIVE FOR SUBSTANCE ABUSE," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno and Chong.

H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MAY 2011 AS AMERICAN PSYCHIATRIC ASSOCIATION MONTH IN HAWAII," was jointly offered by Representatives Awana, Cabanilla, M. Lee, Mizuno, Rhoads, Chong and Hashem.

H.C.R. No. 248, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH OPPORTUNITIES TO DEVELOP AND FOSTER INTERNATIONAL RELATIONSHIPS," was jointly offered by Representatives Awana, Cabanilla, Chong, Hashem, Mizuno, M. Lee and Rhoads.

H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND THE PROVINCE OF MARRAKESH OF THE KINGDOM OF MOROCCO," was jointly offered by Representatives Awana, Cabanilla, Hashem, Mizuno, Chong and Rhoads.

H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE DEPARTMENTS AND EACH COUNTY TO ASSIST IN THE RELIEF AND RECOVERY EFFORTS OF THOSE IN HAWAII AFFECTED BY THE MARCH 11, 2011, TSUNAMI," was offered by Representative Awana.

H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK TOGETHER TO IDENTIFY SUITABLE STATE LANDS FOR THE DEVELOPMENT OF A HIGH TECHNOLOGY PARK ON OAHU," was offered by Representative Yamashita.

H.C.R. No. 252, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO IDENTIFY AND PRIORITIZE REPAIR AND MAINTENANCE PROJECTS FOR ALL STATE BUILDINGS BASED ON HEALTH AND SAFETY NEEDS," was offered by Representative Yamashita.

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was jointly offered by Representatives Manahan, Cabanilla and Mizuno.

H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN SERVICES TO ENGAGE IN DATA EXCHANGES IN ORDER TO VERIFY THE ELIGIBILITY OF RECIPIENTS OF MEDICAID ASSISTANCE," was offered by Representative Chong.

H.C.R. No. 255, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE TAX REVIEW COMMISSION CONDUCT A STUDY ON THE PROJECTED NET LOSS TO HAWAII RESIDENTS IN THEIR FEDERAL TAX LIABILITY THAT IS ATTRIBUTABLE TO THE MANNER IN WHICH THE STATE AND COUNTY GOVERNMENTS ARE CURRENTLY FUNDED," was offered by Representative Chong.

H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY ON WORKERS' COMPENSATION," was offered by Representative Wooley.

H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING GOVERNMENT COLLABORATION WITH COMMUNITY-BASED ORGANIZATIONS TO DEVELOP AND IMPLEMENT METHODS OF IMPROVING THE PREVENTION OF TEENAGE PREGNANCIES," was jointly offered by Representatives Wooley and Mizuno.

H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO'S PACIFIC AQUACULTURE AND COASTAL RESOURCES CENTER TO CONVENE A WORKING GROUP TO EXAMINE THE FEASIBILITY OF ESTABLISHING A RESEARCH PROGRAM FOR THE STEWARDSHIP OF MARINE PROTECTED AREAS," was offered by Representative Wooley.

H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO CONVENE A TASK FORCE TO EXPLORE THE CREATION OF A NEW, SUSTAINABLE SYMPHONY IN THE WAKE OF THE LIQUIDATION OF THE HONOLULU SYMPHONY," was jointly offered by Representatives Wooley and Hanohano.

H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A TASK FORCE TO DETERMINE HOW BEST TO EXPAND AND STRENGTHEN THE USE OF SCHOOL GARDENS STATEWIDE," was jointly offered by Representatives Wooley, Takumi and Tsuji.

H.C.R. No. 261, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO RECONSIDER ITS PRACTICE OF REMOVING TREES WITH HISTORIC VALUE," was jointly offered by Representatives Wooley and Nishimoto.

H.C.R. No. 262, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF IMPLEMENTING A POWERBALL STATE LOTTERY," was jointly offered by Representatives Chang, Hanohano, Herkes, Ito, McKelvey, Souki, Chong and Evans.

H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSTALLATION OF AUTOMATIC SPRINKLERS OR APPLICATION OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS TO BE REQUIRED UNDER THE STATE BUILDING CODE," was offered by Representative Aquino.

H.C.R. No. 264, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF PRIVATE BOATING FACILITIES STATEWIDE AND DETERMINE THE FEASIBILITY OF GENERATING ADDITIONAL REVENUES FROM COMMERCIAL OPERATIONS OCCURRING AT OR FROM THESE FACILITIES," was jointly offered by Representatives Jordan, Hanohano, M. Lee, Chang, Cullen, Evans, Ichiyama, McKelvey, Morikawa, Rhoads, Souki, Wooley and Yamane.

H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO RELEASE OR RESTORE FUNDS TO THE DEPARTMENT OF HUMAN SERVICES FOR PROGRAMS SERVING THE HOMELESS POPULATION ON THE LEEWARD COAST OF OAHU," was jointly offered by Representatives Mizuno and Awana.

H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS "DOWN SYNDROME EDUCATION AWARENESS MONTH" IN HAWAII," was jointly offered by Representatives Mizuno, Awana, Morikawa and Yamane.

H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE CITY AND COUNTY OF HONOLULU IN THE WAKE OF THE MARCH 11, 2011, TSUNAMI," was jointly offered by Representatives Mizuno and Awana.

H.C.R. No. 268, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF REQUIRING PROOF OF MOTOR VEHICLE INSURANCE TO PURCHASE FUEL," was jointly offered by Representatives Mizuno and Awana.

H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW STATE EXECUTIVE BRANCH PRACTICES IN DETERMINING WHETHER TO RELEASE FUNDS APPROPRIATED BY THE LEGISLATURE," was offered by Representative Carroll.

H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A GAMING TASK FORCE TO STUDY THE ECONOMIC AND SOCIAL IMPACTS OF ALLOWING GAMING AND ESTABLISHING CASINO OPERATIONS ON HAWAIIAN HOME LANDS," was offered by Representative Carroll.

H.C.R. No. 271, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING 'A'A AS THE STATE ROCK," was jointly offered by Representatives M. Lee, Cabanilla, Ching, Ichiyama, C. Lee, Luke, Manahan, Mizuno, Souki, Wooley, Cullen and Riviere.

H.C.R. No. 272, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES TO DETERMINE WHETHER BATH SALTS, ALSO KNOWN AS MEPHEDRONE AND METHYLENEDIOXYPYROVALERONE, SHOULD BE DESIGNATED AS A CONTROLLED SUBSTANCE," was jointly offered by Representatives M. Lee and Luke.

H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," was jointly offered by Representatives Manahan and Brower.

H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION URGING RETAILERS TO PROVIDE DISCOUNTS TO FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY PERSONNEL IN DEFERENCE TO THEIR WORK FOR THE PUBLIC HEALTH AND SAFETY," was jointly offered by Representatives C. Lee, Brower, Hanohano, Luke and Morikawa.

H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROVIDE IMMUNITY FROM LIABILITY FOR NEIGHBORHOOD BOARD MEMBERS ACTING IN THEIR OFFICIAL CAPACITY OR TO ENSURE THAT NEIGHBORHOOD BOARD MEMBERS WILL BE DEFENDED," was jointly offered by Representatives C. Lee, Brower, Hanohano, Luke and Morikawa.

H.C.R. No. 276, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A POLICY FOR THE BROADCAST OF ALL PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES TO INCREASE CITIZEN PARTICIPATION AND TRANSPARENCY IN STATE AFFAIRS," was jointly offered by Representatives C. Lee, Brower, Hanohano, Luke and Morikawa.

H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT RULES LIMITING THE POSSESSION OF PET ANIMALS," was jointly offered by Representatives C. Lee, Hanohano, Brower, Luke and Morikawa.

H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO MEASURE THE EFFECTIVENESS OF THE POST RETIREMENT ALLOWANCE IN FULFILLING ITS PURPOSE TO HELP OFFSET THE RISING COST OF LIVING AND KEEP UP WITH INFLATION," was jointly offered by Representatives Nakashima, Aquino, Ichiyama, Ito, Keith-Agaran, Morikawa and Takumi.

H.C.R. No. 279, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was jointly offered by Representatives Nakashima, Awana, Carroll, Keith-Agaran, M. Lee, McKelvey, Mizuno, Nishimoto, Belatti, Cabanilla, Chong, Cullen, Johanson, Jordan, Riviere, Tokioka, Ward and Wooley.

H.C.R. No. 280, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO DEVELOP STRATEGIES THAT WOULD INCREASE ACCESS TO PUBLIC HOUSING FOR QUALIFIED APPLICANTS," was jointly offered by Representatives Nakashima, Belatti, Carroll, Chang, Ching, Hanohano, Ito, Morikawa and Wooley.

H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE CITY AND COUNTY OF HONOLULU TO SUPPORT A WASTE MANAGEMENT SYSTEM THAT EQUITABLY DISTRIBUTES ITS BENEFITS AND BURDENS ACROSS THE COMMUNITY," was offered by Representative Takai.

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND ITS PILOT PROJECTS TO COOL HAWAII'S CLASSROOMS," was jointly offered by Representatives Takai, Belatti, Jordan and Takumi.

H.C.R. No. 283, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was jointly offered by Representatives Brower and Belatti.

H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP BETWEEN HAWAII AND THE PROVINCE OF LIMA, PERU," was jointly offered by Representatives Hashem and Awana.

H.C.R. No. 285, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COMMERCIAL GENERAL LIABILITY INSURERS TO SUBMIT PREMIUM INFORMATION TO THE LEGISLATURE," was jointly offered by Representatives McKelvey, Awana, Evans, Marumoto, Pine and Say.

H.C.R. No. 286, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS," was jointly offered by Representatives McKelvey, Awana, Evans, Marumoto, Say and Pine.

H.C.R. No. 287, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AUDITOR TO AUDIT THE SPENDING OF THE DEPARTMENT OF HAWAIIAN HOME LANDS FROM JULY 1, 2001, TO JUNE 30, 2010, AND THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REPORT ANNUALLY TO THE LEGISLATURE ON CERTAIN INFORMATION REGARDING HOMESTEAD LOTS," was offered by Representative Hanohano.

H.C.R. No. 288, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT FOR DATA GATHERING RELATED TO IMPLEMENTATION OF ARTICLE XII, SECTION 1 OF THE HAWAII STATE CONSTITUTION," was offered by Representative Hanohano.

H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT OF STATE FUNDING FOR NA PUA NO'EAU STAFFING AND PROGRAMS," was offered by Representative Hanohano.

H.C.R. No. 290, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ACTIONS TO PROHIBIT THE COLLECTION OF REEF WILDLIFE, TO PROTECT REEF ECOSYSTEMS, TO DEVELOP VISITOR REEF ETIQUETTE, TO INCORPORATE TRADITIONAL HAWAIIAN CULTURAL PRACTICES INTO ALL ECONOMIC DEVELOPMENT DECISIONS, AND TO UPHOLD THE STATE MOTTO IN ALL LAND MANAGEMENT PRACTICES," was offered by Representative Hanohano.

H.C.R. No. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEARCH FOR A SITE IN LOWER PUNA TO HOUSE A LEARNING CENTER," was offered by Representative Hanohano.

H.C.R. No. 292, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FISCAL AND COMPLIANCE AUDIT OF THE KAHŌ'OLAWĒ REHABILITATION TRUST FUND AND THE ESTABLISHMENT OF A WORKING GROUP TO STUDY AND EVALUATE CERTAIN ISSUES CONCERNING THE KAHŌ'OLAWĒ ISLAND RESERVE," was offered by Representative Hanohano.

H.C.R. No. 293, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR AND REQUESTING THE REMOVAL OF THE TERM "TREATY OF ANNEXATION" CAST IN BRONZE ON THE STATUE OF PRESIDENT MCKINLEY ON THE GROUNDS OF MCKINLEY HIGH SCHOOL," was offered by Representative Hanohano.

H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING DISCUSSIONS TO PROPOSE RECOMMENDATIONS TO THE LEGISLATURE TO RESOLVE OUTSTANDING DIFFERENCES REGARDING CLAIMS OF THE OFFICE OF HAWAIIAN AFFAIRS TO INCOME AND PROCEEDS FROM THE PUBLIC LAND TRUST BETWEEN NOVEMBER 7, 1978, AND JULY 1, 2008," was offered by Representative Hanohano.

H.C.R. No. 295, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THE OFFICE OF HAWAIIAN AFFAIRS FOR ITS STUDY ON THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL-JUSTICE SYSTEM," was offered by Representative Hanohano.

H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE STATE'S COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006," was offered by Representative Hanohano.

H.C.R. No. 297, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII TOURISM AUTHORITY TO CONVENE A TASK FORCE TO STUDY OPPORTUNITIES TO PROMOTE AND EXPAND HERITAGE TOURISM," was jointly offered by Representatives Ching, Aquino, Awana, Evans, Fontaine, Hanohano, C. Lee, Marumoto, McKelvey, Pine, Thielen, Ward, Belatti, Chang, Chong, Johanson, Keith-Agaran, M. Lee, Nishimoto, B. Oshiro, Riviere, Takumi and Tsuji.

H.C.R. No. 298, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," was jointly offered by Representatives Ching, Aquino, Chang, Evans, McKelvey, Awana, Ichiyama, M. Lee, Nishimoto and Tsuji.

H.C.R. No. 299, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A NEW LANE ON LILIHA STREET BETWEEN KING STREET AND VINEYARD BOULEVARD," was jointly offered by Representatives Ching, Har, Ito, McKelvey, Mizuno, Pine, Yamane, Aquino, Evans, M. Lee, Nishimoto, Souki and Tsuji.

H.C.R. No. 300, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING FEBRUARY 2012 AS "HAWAII-GROWN CACAO MONTH"," was jointly offered by Representatives Ching, Awana, Cabanilla, Chang, Har, Ito, McKelvey, Mizuno, Nishimoto, Pine, Tsuji, Yamane, Evans, Ichiyama, M. Lee, Souki, Takumi and Tokioka.

H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE SUPPORT FOR HOME ORGANIC PRODUCE COOPERATIVES," was jointly offered by Representatives Ching, Awana, Belatti, Chang, Evans, Fontaine, Hanohano, C. Lee, Marumoto, McKelvey, Nishimoto, B. Oshiro, Pine, Takai, Ward, Choy, Herkes, Johanson, Keith-Agaran, M. Lee, Riviere, Takumi, Thielen and Tsuji.

H.C.R. No. 302, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII, DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM TO OPEN UP THE PARKING LOT AT THE FOREIGN-TRADE ZONE NO. 9, FROM 8 PM TO 6 AM TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was offered by Representative Cabanilla.

H.C.R. No. 303, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO OPEN UP THE PARKING LOT AT THE PREVIOUS QUEEN LILIOUKALANI SCHOOL, 3633 WAIALAE AVENUE HONOLULU, FROM 8 PM TO 6 AM TO SERVE AS NIGHTTIME PARKING FOR WORKING HOMELESS INDIVIDUALS," was offered by Representative Cabanilla.

H.C.R. No. 304, entitled: "HOUSE CONCURRENT RESOLUTION URGING BANK OF AMERICA TO FULFILL ITS COMMITMENT TO LEND \$150 MILLION UNDER FHA 247 FOR RESIDENTIAL MORTGAGE LOANS FOR HOUSING ON HAWAIIAN HOME LANDS," was offered by Representative C. Lee.

H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM AND ALL OF ITS INDIVIDUAL CAMPUSES," was jointly offered by Representatives Choy, Jordan, Keith-Agaran, Takai, Morikawa and Nakashima.

H.C.R. No. 306, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE SERVICE OF DOGS AND REQUESTING THE GOVERNOR TO PROCLAIM THE MONTH OF AUGUST AS DOG RECOGNITION MONTH," was jointly offered by Representatives Ching, Brower, Choy, Pine and Ward.

H.C.R. No. 307, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING FROM THE DEPARTMENT OF HEALTH AN UPDATE ON THE PROGRESS OF THEIR ACTION PLAN AND AN OVERVIEW OF THEIR STRATEGIES TO ADDRESS THE DIABETES EPIDEMIC IN THE STATE OF HAWAII," was offered by Representative Ching.

H.C.R. No. 308, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A HAWAII CACAO ECONOMIC OPPORTUNITY TASK FORCE TO DEVELOP A PLAN FOR THE DEVELOPMENT OF A PROCESSING PLANT FOR CACAO," was jointly offered by Representatives Ching, McKelvey, Awana, Evans, M. Lee and Tsuji.

H.C.R. No. 309, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST AS "NATIONAL ASSISTANCE DOG WEEK"," was jointly offered by Representatives Ching, Awana, Hanohano, Marumoto, McKelvey, Pine, Aquino, Chang, Evans, Fontaine, Ichiyama, Johanson, C. Lee, Riviere, Thielen and Ward.

H.C.R. No. 310, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ADOPT MORE BLUE ZONE VITALITY PROJECTS WITH ASSISTANCE AS-NEEDED FROM THE DEPARTMENT OF AGRICULTURE," was jointly offered by Representatives Ching, Aquino, Awana, Chang, Evans, M. Lee, McKelvey and Tsuji.

H.C.R. No. 311, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CREATE RULES TO ALLOW DOGS TO ACCOMPANY OWNERS IN OUTDOOR DINING AREAS AND THE WORKPLACE," was jointly offered by Representatives Ching, Awana, Chang, Har, McKelvey, Mizuno, Pine, Aquino, Evans, Ito, Souki and Tsuji.

H.C.R. No. 312, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT A DIABETES RESEARCH TASK FORCE BE ESTABLISHED TO STUDY PREVENTION STRATEGIES, TRACK POLICY CHANGES AND REPORT TO THE LEGISLATURE WITH RECOMMENDED ACTIONS FOR HALTING THE PROGRESSION OF PRE-DIABETES," was jointly offered by Representatives Ching, Belatti, Choy, Coffman, Cullen, Johanson, Keith-Agaran, Pine, Rhoads and Riviere.

H.C.R. No. 313, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS AND THE HAWAIIAN HOMES COMMISSION TO REVISE THEIR CRITERIA AND REQUIREMENTS FOR AWARDED COMMERCIAL LEASES TO CONFORM WITH THE RULING IN *LEIMOMI MO'OKINI LUM V. HAWAIIAN HOMES COMMISSION*," was offered by Representative Carroll.

H.C.R. No. 314, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO NEGOTIATE AN AGREEMENT WITH THE OWNERS OF MOLOKAI RANCH TO EXCHANGE STATE LANDS FOR MOLOKAI RANCH LANDS," was offered by Representative Carroll.

H.C.R. No. 315, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS AND THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXAMINE THE FEASIBILITY OF JOINTLY ESTABLISHING A NATIVE HAWAIIAN RESEARCH, SCIENCE, AND TECHNOLOGY PARK," was offered by Representative Carroll.

H.C.R. No. 316, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO IMPLEMENT THE 'AHA MOKU COUNCILS, AS RECOMMENDED BY THE 'AHA KIOLE ADVISORY COMMITTEE, TO ADVISE THE STATE ON NATIVE HAWAIIAN RESOURCE MANAGEMENT PRACTICES," was offered by Representative Carroll.

H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ENTER INTO A LONG TERM CONTRACT WITH AN AGRICULTURAL TECHNICIAN FOR THE ISLAND OF MOLOKAI," was offered by Representative Carroll.

H.C.R. No. 318, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONVENE A TASK FORCE TO STUDY THE FEASIBILITY OF DEVELOPING AN ARENA AND TESTING AND INSPECTION FACILITY ON HAWAIIAN HOME LANDS ON MOLOKAI FOR THE PURPOSE OF TESTING BACKYARD POULTRY FLOCKS FOR AVIAN DISEASES," was offered by Representative Carroll.

ANNOUNCEMENTS

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.R. Nos.

Referred to:

103	Committee on Energy & Environmental Protection, then to the Committee on Legislative Management
104	Jointly to the Committee on Higher Education and the Committee on Culture & the Arts, then to the Committee on Finance
105	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance

106	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance
107	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
108	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance
109	Committee on Public Safety & Military Affairs, then to the Committee on Finance
110	Committee on Judiciary
111	Committee on Agriculture, then to the Committee on Finance
112	Committee on Human Services, then to the Committee on Judiciary
113	Jointly to the Committee on Health and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance
114	Committee on Public Safety & Military Affairs
115	Committee on Human Services
116	Committee on Judiciary, then to the Committee on Legislative Management
117	Committee on Judiciary, then to the Committee on Finance

H.C.R. Nos.

Referred to:

112	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
113	Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance
114	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
115	Jointly to the Committee on Hawaiian Affairs and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
116	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
117	Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, then to the Committee on Finance
118	Committee on Public Safety & Military Affairs, then to the Committee on Finance
119	Committee on Energy & Environmental Protection, then to the Committee on Legislative Management
120	Jointly to the Committee on Higher Education and the Committee on Culture & the Arts, then to the Committee on Finance

- 121 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
- 122 Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance
- 123 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
- 124 Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance
- 125 Committee on Public Safety & Military Affairs, then to the Committee on Finance
- 126 Committee on Public Safety & Military Affairs, then to the Committee on Finance
- 127 Committee on Labor & Public Employment, then to the Committee on Finance
- 128 Jointly to the Committee on Labor & Public Employment and the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 129 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
- 130 Committee on Judiciary
- 131 Committee on Agriculture, then to the Committee on Finance
- 132 Committee on Human Services, then to the Committee on Judiciary
- 133 Jointly to the Committee on Health and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance
- 134 Committee on Public Safety & Military Affairs
- 135 Committee on Human Services
- 136 Committee on Judiciary, then to the Committee on Legislative Management
- 137 Committee on Judiciary, then to the Committee on Finance

RECESS

At 1:19 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 12:00 o'clock noon tomorrow, Thursday, March 17, 2011. (Representatives Belatti and Thielen were excused.)

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 17, 2011.

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B.
No.**Re-referred to:**

1538, Committee on Health, then to the Committee on Finance
SD1

At this time, Representative Evans moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving resolutions and concurrent resolutions for introduction, seconded by Representative Pine and carried. (Representatives Belatti and Thielen were excused.)

THIRTY-SECOND DAY

Thursday, March 17, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:11 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Har, Ito and Pine, who were excused.

On motion by Representative Evans, seconded by Representative Ching and carried, reading of the Journal was dispensed with and the Journals of the Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second and Twenty-Third Days were approved. (Representatives Har, Ito and Pine were excused.)

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 376) was received and announced by the Clerk:

Sen. Com. No. 376, transmitting H.B. No. 1034, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 16, 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Johanson, on behalf of Representatives Ichiyama and Nishimoto, introduced Miss Seiko K. Chow, SBG President of Aliamanu School who gave today's invocation. Miss Seiko Chow is the daughter of Representative Nishimoto's office manager, Ms. Candace Van Buren.

Representative Mizuno welcomed the many participants in the State Council on Developmental Disabilities 12th Annual Day at the Capitol, along with Ms. Waynette Cabral, Executive Administrator, and the staff of the Council.

Representative Chang, on behalf of the Big Island delegation, introduced the Day at the Capitol participants from Hilo, Kona and Honokaa.

Representative Tokioka, on behalf of the Kauai delegation, welcomed the Day at the Capitol participants and interpreters from Kauai.

Representative Carroll, on behalf of the Maui delegation, welcomed the Day at the Capitol participants from Maui and Molokai.

Representative Yamane welcomed Day at the Capitol participants from Ewa Beach, Honolulu, Makakilo, Pearl City, Kaneohe, Mililani, Waianae and Wahiawa.

Representative Riviere, on behalf of Representative M. Oshiro and himself, introduced 3rd grade students from Trinity Lutheran School of Wahiawa. They were accompanied by their teacher, Mrs. Liz Riviere; and parents and chaperones, Ms. Marcy Beasley, Ms. Christina Treadway, Ms. Bobbie Watanabe, Mr. Seward and Mrs. Lauren Uyeda, Mr. Doug Jones and Ms. Barbara Hubbard.

Representative Riviere also introduced his wife, Mrs. Liz Riviere, Trinity Lutheran teacher; and his children, Jake and Janine Riviere, students at Trinity Lutheran.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 284) was announced by the Clerk and the following action taken:

H.R. No. 284, entitled: "HOUSE RESOLUTION CONGRATULATING YUUKO ARIKAWA AS THE 2010 MILKEN EDUCATOR AWARD WINNER, DAWN HOMONT AS THE 2010 MILKEN TEACHER OF PROMISE AWARD WINNER, DARREL GALERA AS THE 2010 METLIFE/NASSP HIGH SCHOOL PRINCIPAL OF THE YEAR, JUSTIN MEW AS THE 2010 METLIFE/NASSP MIDDLE SCHOOL PRINCIPAL OF THE YEAR, MICHAEL HARANO AS THE 2010 NAESP HAWAII DISTINGUISHED PRINCIPAL OF THE YEAR, AND KOKO HEAD ELEMENTARY SCHOOL, LIHOLIHO ELEMENTARY SCHOOL, AND WAIALUA ELEMENTARY SCHOOL AS THE 2011 HAWAII BLUE RIBBON SCHOOLS," was offered by Representative Takumi.

Representative Takumi moved that H.R. No. 284 be adopted, seconded by Representative Belatti.

Representative Takumi introduced today's first honoree who was seated on the Floor of the House:

Ms. Yuuko Arikawa of Kaala Elementary School, recipient of the 2010 Milken Educator Award.

Representative Belatti then introduced additional honorees seated on the Floor of the House:

Ms. Dawn Homont of Waianae Intermediate School, recipient of the Milken Educator of Promise Award;

Mr. Darrel Galera, of Moanalua High School, the 2010 MetLife/NASSP High School Principal of the Year;

Mr. Justin Mew of Niu Valley Middle School, the 2010 MetLife/NASSP Middle School Principal of the Year; and

Mr. Michael Harano of Washington Middle School, the 2010 NAESP Distinguished Principal of the Year.

Representative Belatti also recognized the US Department of Education Blue Ribbon Schools for 2011:

Koko Head Elementary School represented by Mr. Calvin Nomiyama on behalf of Principal Loretta Yee;

Liholiho Elementary School represented by Principal Christina Small; and

Waialua Elementary School represented by Ms. Kim Ah Lee Sam on behalf of Principal Scott Moore.

Representative Belatti also recognized the many family and friends seated in the gallery:

Guests of Ms. Yuuko Arikawa:

Mr. Sean Cross;
Children, Tamika, Jacob, Jeremiah and Timora;
Aunt, Ms. Iwalani Sowa;
Friend and colleague, Ms. Angelita Reed, and her daughters Alexandra and Isabella; and
Principal, Mr. Ted Fisher.

Guests of Ms. Dawn Homont:

Sister, Ms. Michelle Garofalo; and niece Ms. Mikala Garofalo.

Guests of Mr. Darrel Galera:

Vice Principals, Ms. Julie Toyama, Ms Lynda Sadaoka and Ms. Shannon Tamashiro; and Athletic Director, Mr. Joel Kawachi.

Guests of Mr. Justin Mew:

Wife, Mrs. Bobbi Mew; and son, Mr. Micah Mew; Brothers, Mr. Daniel Mew, Mr. Damian Mew and Mr. Walton Mew; Sister-in-law, Ms. Julia Mew; Nephews, Mr. Logan Mew and Mr. Hunter Mew; and PCNC, Ms. Joanne Imada.

Guests of Mr. Michael Harano:

Math Team Coach, Mr. Sung Park; and Team Members, Mr. Ethan Vo, Mr. David Chang, Mr. Jion Kato and Mr. Raleigh Rano.

Guests of Ms. Christina Small:

PTA President, Mr. Michael Lau; SCC Chair, Mr. Dennis Iwanaga; Student SVS Coordinator, Ms. Jodi Yoshimura; PCNC, Ms. Iris Salazar; Former SCC Vice Chair, Mr. Scott Taniyama; Student Council President, Shea Suzumoto; Mr. Ryan Towata; and Mr. Tom Holden.

Guests of Ms. Kim Ah Lee Sam:

Husband, Mr. Richard Ah Lee Sam.

Representative Ward also congratulated Mr. Mew and Mr. Nomiya and thanked them for being role models for the teachers and students of the Kaiser Complex schools.

The motion was put to vote by the Chair and carried, and H.R. No. 284 was adopted, with Representatives Har, Pine and Say being excused.

At 12:32 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 959) recommending that S.B. No. 1055, SD 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 S.B. No. 1055, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 960) recommending that S.B. No. 1061, SD 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 S.B. No. 1061, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 961)

recommending that S.B. No. 1062, SD 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 S.B. No. 1062, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 962) recommending that S.B. No. 1083, SD 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 S.B. No. 1083, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 963) recommending that S.B. No. 1084, SD 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 S.B. No. 1084, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 964) recommending that S.B. No. 1085, SD 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 S.B. No. 1085, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 965) recommending that S.B. No. 1095, SD 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 S.B. No. 1095, SD 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. Mr. Speaker, I just wanted to make a comment about these measures that we're passing. The vehicles by which we enter into agreement I think needs to be said that we just want to ask our State to be strong, to be strong in these very hard times. An unprecedented recession. We've never seen this in our history. Complicated by the tragedy, the exasperation of this problem and the tragedy of the Japanese tsunami which undoubtedly will affect our economy.

"I think that it needs to be said that indeed it's time to pull together, to remember that like families, the State of Hawaii is a family. And when hard times come we have to sacrifice. We do have to sacrifice. We have to make sure that for the health of our State's economy that we do the right thing. That everybody understands that we all bring something to the table. But if we give much more to one son or daughter, to the point where one son or daughter suffers and can no longer bring their potential to the table,

then the entire family suffers. So we know that the health of our economy is important. We want to protect all of our people. But remember, like the best recipes in cooking, it's often about balance. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1095, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say 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. 966) recommending that S.B. No. 1076, SD 1, 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 S.B. No. 1076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Pine, Saiki and Say being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 967) recommending that S.B. No. 958, SD 2, 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 S.B. No. 958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Pine, Saiki and Say being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 968) recommending that S.B. No. 1291, SD 2, 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 S.B. No. 1291, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Pine, Saiki and Say being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 969) recommending that S.B. No. 1293, 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 S.B. No. 1293, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

ANNOUNCEMENTS

Representative Yamane: "Thank you, Mr. Speaker. I would like to express my wishes for a Happy St. Patrick's Day to everyone. Members, on your desk you will find a green ribbon to add color to your day. And if you turn the card it says, 'Please recycle yourself.' I know that to the dismay of the Chair of Agriculture, it does not mean grow a tree or support medical marijuana.

"Mr. Speaker, there are more than 108,000 individuals nationwide waiting for organs. In Hawaii, approximately 375 are waiting for a heart, liver, kidney, or pancreas transplants. Sadly there aren't enough donations

to meet this need. Not everyone has the 'luck of the Irish.' Last year, 16 people died in Hawaii while waiting for an organ transplant.

"Each of us carries a gift of life. You can be a registered organ and tissue donor through an online registry, or when you renew your driver's license or the State ID. So Members, as we celebrate St. Patrick's Day, please remember those who are currently on the list, waiting for the ability to continue their enjoyment of St. Patrick's Day. Thank you, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
120	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance
121	Committee on Consumer Protection & Commerce, then to the Committee on Finance
122	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
123	Committee on Human Services, then to the Committee on Judiciary
124	Committee on Housing, then to the Committee on Finance
125	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
126	Committee on Consumer Protection & Commerce, then to the Committee on Finance
127	Jointly to the Committee on Higher Education and the Committee on Agriculture, then to the Committee on Finance
128	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
129	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
130	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
131	Committee on International Affairs, then to the Committee on Finance
132	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
133	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
134	Committee on Housing, then to the Committee on Judiciary
135	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
136	Committee on Human Services, then to the Committee on Finance
137	Committee on Health, then to the Committee on Consumer Protection & Commerce

138	Committee on Education, then to the Committee on Finance		
139	Committee on Economic Revitalization & Business, then to the Committee on Finance	<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
140	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	138	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance
141	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	139	Committee on Consumer Protection & Commerce, then to the Committee on Finance
142	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	140	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
143	Committee on Education, then to the Committee on Finance	141	Committee on Human Services, then to the Committee on Judiciary
144	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	142	Committee on Housing, then to the Committee on Finance
145	Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance	143	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
146	Committee on Education, then to the Committee on Finance	144	Committee on Consumer Protection & Commerce, then to the Committee on Finance
147	Committee on International Affairs	145	Jointly to the Committee on Higher Education and the Committee on Agriculture, then to the Committee on Finance
148	Committee on Judiciary, then to the Committee on Finance	146	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
149	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	147	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
150	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	148	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
151	Committee on International Affairs	149	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
152	Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	150	Committee on International Affairs, then to the Committee on Finance
153	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance	151	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
154	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	152	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
155	Committee on Human Services, then to the Committee on Judiciary	153	Committee on Housing, then to the Committee on Judiciary
156	Committee on Energy & Environmental Protection, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance	154	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
157	Committee on Public Safety & Military Affairs, then to the Committee on Finance	155	Committee on Human Services, then to the Committee on Finance
158	Committee on Transportation, then to the Committee on Finance	156	Committee on Judiciary
159	Committee on Transportation, then to the Committee on Finance	157	Committee on Health, then to the Committee on Consumer Protection & Commerce
160	Committee on Transportation, then to the Committee on Finance	158	Committee on Education, then to the Committee on Finance
161	Jointly to the Committee on Education and the Committee on Culture & the Arts, then to the Committee on Finance	159	Committee on Economic Revitalization & Business, then to the Committee on Finance

160 Committee on Energy & Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance

161 Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

162 Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance

163 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

164 Committee on Education, then to the Committee on Finance

165 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

166 Committee on Legislative Management, then to the Committee on Finance

167 Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance

168 Committee on Housing, then to the Committee on Legislative Management, then to the Committee on Finance

169 Committee on Education, then to the Committee on Finance

170 Committee on International Affairs

171 Committee on Judiciary, then to the Committee on Finance

172 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

173 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

174 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

175 Committee on International Affairs

176 Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

177 Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance

178 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

179 Committee on Human Services, then to the Committee on Judiciary

180 Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance

181 Committee on Public Safety & Military Affairs, then to the Committee on Health

182 Committee on Energy & Environmental Protection, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

183 Committee on Public Safety & Military Affairs, then to the Committee on Finance

184 Committee on Transportation, then to the Committee on Finance

185 Committee on Transportation, then to the Committee on Finance

186 Committee on Transportation, then to the Committee on Finance

187 Jointly to the Committee on Education and the Committee on Culture & the Arts, then to the Committee on Finance

ADJOURNMENT

At 12:46 o'clock p.m. on motion by Representative Evans, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 18, 2011. (Representatives Har, Pine, Saiki and Say were excused.)

THIRTY-THIRD DAY

Friday, March 18, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:15 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representative Wooley, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Second Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 184 and 1106) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 184, dated March 17, 2011, transmitting a letter pursuant to Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of H.B. No. 1066, Making Emergency Appropriations for the Department of Human Services, to appropriate funds for general assistance, cash support, work program services and maintenance of effort contracts in the Department of Human Services for fiscal year 2010-2011.

Gov. Msg. No. 1106, informing the House that on March 17, 2011, the following bill was signed into law:

H.B. No. 1034, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS." (ACT 006)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 68) was received by the Clerk and was placed on file:

Dept. Com. No. 68, dated January 26, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for the FB 2011-13 Executive Budget for the Departments of Business, Economic Development and Tourism and Labor and Industrial Relations; BJ details for The FB 2011-13 Executive Budget for these departments; current lease payments for the Departments of Accounting and General Services and Hawaiian Home Lands; and BJ details for all departments for Act 180, SLH 2010.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative B. Oshiro introduced members of the Aiea community, Ms. Claire Tamamoto and Ms. Mary Kop who accompanied Rev. Arthur Kaufmann of the Aiea Hongwanji Mission.

Representative Tokioka introduced friends from Kauai: Mr. Larry Dill, Kauai County Engineer; Mr. Jan TenBruggencate, formerly of the *Honolulu Advertiser*; and Mr. Roy Oyama of the Kauai County Farm Bureau.

Representative McKelvey introduced Mr. Milton Kwock of the Department of Business, Economic Development and Tourism.

Representative Takai, on behalf of the former University of Hawaii at Manoa ASUH members, 'President' Sylvia Luke, 'President' Scott Nishimoto and 'Senator' Corinne Ching, introduced current ASUH members:

Mr. Andrew Itsumo, President of ASUH; and
Ms. Anna Koethe, Vice President of ASUH.

Representative Awana introduced and thanked the many participants at today's International Day at the Capitol:

Qikeng Li and The Confucius Institute;
Martin Motooka and Chaminade University of Honolulu;
Kelsey Soma and the Japan-America Society of Hawaii;
Kyle Ferries and the eGlobal Family;
Roger Fong and the ELS Language Center;
Tamara Swift and the Global Village Hawaii English Centres;
Lilian Hallstrom, Lindsey Garbenis, Carlos E. Juarez, PhD, and Hawaii Pacific University;
Chad Schempp and the Hawaii Pacific University - Graduate Degree Program;
Shannon Mark, Masami Konrai and the Hawaii Tokai International College;
Earl Okawa and the i-Lion School;
Joseph Overton and the Kapiolani Community College/ Honda International Center;
Barbara Bancel and the International Hospitality Center;
Doua Kue-Morris and the Pacific and Asian Affairs Council;
Becky George and the Leeward Community College;
Todd Shumway and the UH-Hilo/Center for Global Education & Exchange;
Dr. Hye-ryeon Lee and the UH-Manoa College of Arts & Humanities;
Song Choi and the UH-Manoa College of Engineering;
Dr. Charles Kinoshita and the UH-Manoa College of Tropical Agriculture & Human Resources;
Joel Weaver and the UH-Manoa Hawaii English Language Program;
Pattie Dunn and the UH-Manoa School of Pacific & Asian Studies;
Dolly Omiya and the UH-Manoa Shidler College of Business; and
Cathy Iwashita and the UH-Manoa Travel Industry Management School.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 285) was announced by the Clerk and the following action taken:

H.R. No. 285, entitled: "HOUSE RESOLUTION COMMENDING THE STATE OF HAWAII FOR WINNING THE 2010 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM AWARD," was jointly offered by Representatives Cabanilla and Takai.

Representative Cabanilla moved that H.R. No. 285 be adopted, seconded by Representative Takai.

Representative Cabanilla recognized the State of Hawaii for the support shown to our military personnel and their families, and introduced the honorees seated on the Floor of the House:

Maj. Gen. Darryll Wong, Adjutant General of the Hawaii National Guard receiving today's certificate on behalf of the State of Hawaii;

Brig. Gen. Ann Greenlee, Asst. Adjutant General of the Air National Guard;

Brig. Gen. Michele Compton, Commander of the 9th Support Command, Army Reserve represented by Col. John Ellis, Chief of Staff;

Maj. Gen. (ret) Albert 'Putt' Richards, Former Chairperson of the Employer Support for the Guard and Reserves; and

Mr. Robert Borek, Chairperson of the Employer Support for the Guard and Reserves.

Representative Cabanilla then introduced guests seated in the gallery:

P. Pasha Baker, US Army Reserve Ambassador; and
Command Chief Master Sgt. Robert Lee.

Representative Takai noted that the Freedom Award is the highest recognition that an employer can receive for their efforts on behalf of their employees, and thanked the State of Hawaii and the Employer Support of the Guard and Reserve.

The motion was put to vote by the Chair and carried, and H.R. No. 285 was adopted, with Representatives McKelvey, Nakashima and Wooley being excused.

The following resolution (H.R. No. 286) was announced by the Clerk and the following action taken:

H.R. No. 286, entitled: "HOUSE RESOLUTION CONGRATULATING KRISTEN BRUMMEL AS THE 2011 HAWAII STATE TEACHER OF THE YEAR, AND MICHELLE COLTE, ALISA BENDER, DEBORAH YASUDA, SANDY CAMELI, SCOT KIYONAGA, AND ALTHEA ARINAGA AS THE 2011 HAWAII STATE DISTRICT TEACHERS OF THE YEAR," was offered by Representative Takumi.

Representative Takumi moved that H.R. No. 286 be adopted, seconded by Representative Belatti.

Representative Takumi commended and congratulated the 2011 Teacher of the Year, and the District Teachers of the Year.

Representative Choy then introduced the first honoree who was seated on the Floor of the House:

Ms. Kristen Brummel of Noelani Elementary School, the 2011 Hawaii State Teacher of the Year.

Representative Choy then read a letter of congratulation and appreciation from his daughter, Ms. Ashley Choy, Ms. Brummel's former student.

"Dear Ms. Lum,

CONGRATULATIONS! on your **Hawaii State Teacher of the Year** award! Although 5th grade was a long time ago, I still remember all the memories we've made. Our 5th grade class wasn't a normal class but was a combo class of both 5th and 6th graders. It was a great atmosphere for me and it was nice to have upperclassmen as classmates and friends. Also, since the class size was smaller than usual, it was easier to get to know you. 5th grade was my last year at Noelani, and you truly made it a very great year.

Not to say you favored me, but I always thought our love for UH Men's basketball brought us a lot closer than a usual teacher-student relationship. As my grandma and I would walk to our seats, I always hoped to run into you. I'd look for you in your section in the arena and would sit next to you during half time. I used to talk to you about my favorite player, J.C.[Jason] Carter, and about my new puppy Tanner. You told me how you knew J.C. and I thought you were the luckiest person in the entire world. I will never forget the day you gave me an autograph from J.C. Carter. I was probably the happiest ten-year-old girl in the world. I couldn't stop smiling and read his note over and over again. At one point, I even memorized his letter by heart. To this day, I still have his letter in my room at home.

Getting J.C.'s autograph wasn't your only act of kindness towards me. One game night, you handed me a little stuffed animal that looked exactly like Tanner. You told me how it reminded you of my little puppy and that you just had to buy it for me. I named my new stuffed animal Tanner Jr. and love it just as much as my real dog. Now every time I'm away from home, I take Tanner Jr. with me. I even brought Tanner Jr. to college with me. Together we stay up late, writing papers and finishing homework I procrastinated to do.

One of my favorite memories of you in the classroom is when you taught us sex education. Teaching sex education must be every teacher's nightmare. It's a little awkward and I commend you for doing such a good job teaching us everything. I remember you told the class to be totally serious and not laugh at the video we were about to watch. As we were watching the video, I looked over to see you covering your mouth trying to stop from laughing. Eventually, you walked to the back of the room and watched the video from there. I'm not sure why this is one of my favorite memories, but it does make me smile a lot.

Once again, congratulations on your well deserved award. Your influence in my life has made me the person I am today. Your kindness has rubbed off on me and I always try to go out of my way to help others just like you. You always focus on the happiness of your students and this is just one of your many wonderful qualities. In my future, I hope I can positively impact others just how you've impacted me. Teachers like you are the reason why I'd like to go into education. Occupations like doctors and lawyers are important, but teachers like you are the foundation to every job in the entire world.

Thank you for everything you've done for me. The future kids of Hawaii are lucky to have a teacher like you.

Love,
Ashley Choy"

Representative Belatti then introduced the 2011 District Teachers of the Year who were seated on the Floor of the House:

Ms. Michelle Colte of Hale Kula Elementary School, the 2011 Central District Teacher of the Year;

Ms. Alisa Bender of James Campbell High School, the 2011 Leeward District Teacher of the Year;

Ms. Deborah Yasuda of Puohala Elementary School, the 2011 Windward District Teacher of the Year;

Ms. Sandy Cameli of Konawaena Middle School, the 2011 Hawaii District Teacher of the Year;

Mr. Scot Kiyonaga of Maui Waena Intermediate School, the 2011 Maui District Teacher of the Year; and

Ms. Althea Arinaga of Kapaa Elementary School, the 2011 Kauai District Teacher of the Year.

Representative Belatti then recognized the family and friends of the honorees seated in the gallery:

Guests of Ms. Kristen Lum Brummel:

Husband, Mr. Matthew Brummel; and son, Daniel Brummel;
Parents, Mr. Richard Lum and Mrs. Noreen Lum;
Grandmothers, Mrs. Ruby Choy and Mrs. Betsy Lum;
Students, Geethanjali Annamalai, Ashley Takenami, Rylan Dunn, Jensen Dunn;
Parents, Ms. Cheryl Takabayashi, Ms. Mulai Subbiah, Ms. Helen Lau, and Mr. Rick Dunn; and
Friend, Ms. Mae Tsukiyama.

Guests of Ms. Michelle Colte:

Son, Mr. Ethan Colte; and
Daughters, Ms. Olivia Colte and Ms. Lily Colte.

Guests of Ms. Alisa Bender:

Husband, Mr. Michael Lee Bender; and daughter, Ms. Christa Bender;
Mother, Ms. Beverly Lynch; and
Friend, Mr. John Hamilton.

Guests of Ms. Deborah Yasuda:

Mother, Ms. Winnet Takafuji;
Daughters, Ms. Kelly and Ms. Chelsea Yasuda; and
Kelly's Fiancé, Mr. Randall Yeung.

Guests of Ms. Sandy Cameli:
Mr. Dominic Cameli.

Guests of Mr. Scot Kiyonaga:
Parents, Mr. Richard Kiyonaga and Mrs. Gail Miyata;
Family and Friends, Ms. Holly Kiyonaga, Ms. Nicole Kiyonaga, Mr. Steven Lo, Mr. Don Tsuha, Ms. Shauna Tsuha, and Ms. Lori Yatsushiro.

The motion was put to vote by the Chair and carried, and H.R. No. 286 was adopted, with Representatives Coffman, Ito, Keith-Agaran, McKelvey, Nakashima and Wooley being excused.

At 12:50 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:01 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 970) recommending that S.B. No. 1493, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1493, SD 1, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support of Stand. Comm. Report 970. I just wanted to add that on this bill, relating to light pollution, this is a new up-and-coming issue because not only are we reliant on the clarity for our astronomy there on Mauna Kea, and apparently the light is traveling. But what I wanted to bring up is that they're finding more and more that there is light pollution, and that the human body can detect light, certain kinds of blue light, and it's actually affecting people's health. So at night even though you might be having a curtain, etc. it actually is related to health. We need to start thinking differently about light pollution and making sure that they're shaped downward and not upward. Thank you."

Representative Jordan rose to speak in support of the measure, stating:

"Strong support with written comments, please. Thank you."

Representative Jordan's written remarks are as follows:

"I speak in support of SB1493, SD1, HD1, Relating to Light Pollution. Artificial lighting is critical to providing public safety and security, and in maintaining our life activities. However, it also has many negative impacts on biological and cultural resources.

"It affects native wildlife populations, like turtles and marine birds, who are often disoriented and disrupted by the glare from unshielded outdoor lighting.

"It also affects Hawaii's astronomical observatories, impeding the viewing of the stars, which is important for Native Hawaiian cultural practices and "astro-tourism." The use of shielded lights will reduce light above the horizontal plane and direct it toward populated areas, where it is needed. This will improve energy efficiency and reduce light pollution.

"There is a duty of protection for natural areas that attract native wildlife at locations such as Kaena Point, Oahu and Kaneilio Point, Oahu which house habitats for Newell Shearwaters and Hawaiian Sea Turtles and this legislation is just one step toward that protection."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1493, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed

Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 971) recommending that S.B. No. 921, SD 2, 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 S.B. No. 921, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure, stating:

"Yes, Mr. Speaker, I rise in strong support of this measure. I think everyone here is concerned about the health and welfare of minors, especially those that are running away from an abusive situation and need to have shelter over their heads. I just encourage all the Members to vote up on this one. This one really will help out in protecting the minors in our community that are in abusive situations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 921, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 972) recommending that S.B. No. 957, SD 1, 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 S.B. No. 957, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 973) recommending that S.B. No. 77, SD 1, 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 S.B. No. 77, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, in support, and in particular of the part about the anonymous filing portion. We did have a House Bill which got lost in the shuffle. But this is really an important bill and I hope to see it move forward. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 77, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima 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. 974) recommending that S.B. No. 595, SD 2, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 595, SD 2, pass Second Reading and be referred

jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose to disclose a potential conflict of interest, stating:

"May I please ask for a ruling on a possible conflict of interest? My husband is a physician, a family physician. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 595, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representatives Yamane and Aquino, for the Committee on Health and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 975) recommending that S.B. No. 1458, SD 2, 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 Committees be adopted, and that S.B. No. 1458, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I'm rising in opposition to this measure. There are a number of flaws with this bill, but inherently if we look at the experiment that happened in California with these dispensaries and all of the problems that law enforcement has had with this, I just don't think the State of Hawaii should be going there with this.

"In addition to that, there are pieces of this which include a live video feed to law enforcement. It's no closer than 600 yards to any day care facility or school. This should be miles not yards and 600 yards is fairly close to any of these and I think all of these things need to be amended and maybe we should just step back and not do it at this time. Maybe we can have this bill go the way that the gambling bill went. Thank you, Mr. Speaker."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to the Stand. Comm. Report 975. I'd like to ask that the comments made by the Representative from South Maui be entered as my own. Thank you.

"While I really appreciate some of the amendments made by our, I very much respect him, our Health Chair. I think he put in some good amendments in there. I just disagree with the direction that this goes in because as we well know, as mentioned by the previous Representative, California is now trying to change their ways on this. And I just think it's a bad direction. There are other alternatives and I think that we need to reconsider going this direction. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you. Mr. Speaker, I'm rising in support. Thank you. Mr. Speaker, I think I've told this story to some of you a few years ago in this Chamber, but I would like to share this with the new legislators. My oldest son Dave lives in Colorado, which fortunately is a state that does a medical

marijuana program that actually works. He had throat cancer. He's a non-smoker, but he had very, very serious throat cancer. We did not think he was going to live. And he went through a horrible time with chemotherapy, radiation. I flew back there several times to help with the care of Dave. He couldn't keep anything down. It was just an awful situation.

"The one thing that could provide some relief for him was medical marijuana. Not the Marinol, that synthetic thing, but medical marijuana. So why would you say to someone that is so sick, so traumatized, why would you say to someone, 'You can't have access, safe access, to this kind of natural plant.' We're not talking about a drug. We're talking a plant that grows, has grown for centuries, has been used for centuries. Why are we saying that you could not have access to that? I think it would be cruel to prohibit that.

"The way we have it now, a very ill person has to go find a drug dealer to be able to buy it. Now tell me, does that makes sense? We have a medical marijuana program that says, 'Yes, you can have this, but you have to get it illegally.' What sense is there to that?

"So this program is a baby step, and I really say it's a baby step. But at least it's a step. The toddler took a step and because of that I can support it. I think we ultimately should have a program that really works a lot better and follows other states that do that.

"What we're talking about is compassion for people that are ill. Some who are terminally ill and don't want to be drugged out of their senses. Sure you can go get the things that are true drugs that will just knock you practically unconscious, but why do that when a person does not want to go that way. They want to have a natural product that will provide some relief. I would say that we should be compassionate and make it so they can get it legally and get it safely, and go ahead with this.

"So I strongly support it. I hope next year that the toddler begins to step a little faster and begins to run a little better, but at least we will have a trial project on Maui and then we can say, 'Okay this is working Let's do it in a better way.' Thank you."

Representative M. Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with strong reservations and I'd like to put some written comments in the Journal related to professional issues and issues of the experience of other states. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise with strong reservations to this measure because of professional issues, and also the history of marijuana or "Compassionate Care" dispensaries across the mainland of the United States.

"As a registered nurse for over 40 years, I have cared for many patients with terminal, life threatening and painful conditions. Years ago, there was little available to ease severe pain and nausea. Patients suffered greatly. Today, the administration of pain medications is a science that is quite advanced. It is not unusual for patients to be ambulatory in the community with such devices as a morphine pump which keeps them comfortable during their daily routine. Medications which control nausea have advanced as well. These are given in controlled amounts and in doses that do not render the patient unable to function.

"Marijuana has been a popular alternative to traditional medicine; however smoking it has both safety and regulatory concerns attached. Smoking cannabis is similar to smoking tobacco—there may be damage to the lungs, potential for severe burns if the patient falls asleep in bed while smoking, property damage from fires, loss of capacity to drive and carry out ADLs and exposure of family members to second hand smoke. Marijuana is also widely used as a recreational and street drug. Some feel it is a gateway drug, and from all reports, the strength of what is available is increasing.

"I have other concerns related to the proliferation of dispensaries in states such as California, Colorado and Montana. For the most part, these establishments are simply "restaurants" which offer a wide variety of doses, flavors and prices to their clients. The "scene" on the Internet is quite colorful and many ads clearly proclaim the virtues of marijuana use for recreational purposes.

"Cities have found that organized crime loves these establishments, which often have more than marijuana on the menu. In Montana, on March 11, 2011, a major raid was conducted by federal law enforcement agents on many of these establishments, despite the fact that the Obama Administration has stated they would not seek to punish marijuana users.

"Mr. Speaker, the bill before us is complicated and flawed. It makes use of resources we can't afford such as monitoring by police, expensive photocopying requirements, a data base, live video feed to police station, and on and on. It almost seems as if this draft is asking to be killed.

"No one wants to take away a remedy from people who really need it. I believe, we need to find another way to make the substance available to truly needy patients, but this is not the way. This is a medical issue; the Department of Health and prescribing physicians should be involved to set a standard of care, dosing recommendations. Organizations like the Cancer Society and the Lung Association need to come out of their safe zones and make recommendations as well.

"Even though this is just a pilot, I believe we risk seeing rows of marijuana "shops" in the near future in Waikiki if we should we pass this bill."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. I thought I would be bipartisan, and I've never done this before, but I would like the words of the Representative from Kailua inserted as my own, except for the issue about having a son living in another state.

"Mr. Speaker, this measure again as has been highlighted is a baby step. This measure has been worked on for a long period of time in looking at both sides of the issue. Trying to incorporate the needs of the patient, as well as the concerns of law enforcement.

"It has a long way to go, Mr. Speaker. As we move forward, as we look at these issues, we really wanted to highlight the fact that the Committee did look at ongoing concerns and the development of states like California, Colorado, and others that have encountered some problems with implementing their compassion centers. And so again, Members, to highlight, this is one facility with the active involvement of law enforcement. And as this measure moves forward as we look at it, it is a potentially revenue driven measure. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just want to note my reservations with a couple of comments. Right now you can get medical marijuana for a headache. And so I think that is a flaw in our law currently, because anyone can go to a doctor and say they have a headache.

"I know that the bill was amended just for Maui and it changes a few things. I hope as we move forward, we make sure that we change that part where it's so easy to get medical marijuana. It's not for the serious illnesses that were talked about before."

Representative Hanohano rose to speak in support of the measure, stating:

"I rise in strong support and would like to have the words from my colleague from Waipio Gentry-Mililani entered as my own in the Journal."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to this particular measure and I'd like to make a few points. Thank you. Just to remind everyone that this still is illegal on the federal level. In speaking to some doctors, I've been told that they just have no idea what the strength of certain marijuana plants are, the THC content. They have no idea of what the proper dosage should be. I suppose if it's ever legalized clinical trials could be performed, but it is not yet so.

"Yes, it's like an herb, something organic, but marijuana has some harmful effects. I would remind those that tobacco is also a plant and could offer some people some highs. But we have found tobacco to be very bad for our health and smoking as a whole, and smoking marijuana I would assume would also have some dilatory long term effects. We spend millions on preventing smoking and we've all heard about the bad effects of second hand smoke. So I just don't see this as a viable bill at this time. Thank you."

Representative Ward rose and stated:

"Mr. Speaker. May I just have one second, please. I didn't intend to speak on this but my colleague from Kaimuki-Kahala prompted this because it is a very important point. I just saw Hina Mauka the other day and I said, 'I've been speaking on this because marijuana nowadays is not what it was in the old days,' and I said, 'It's 25 times stronger.' He said, 'No, Representative Ward. You're wrong. It's 100 times stronger.'"

"So we're not talking, sit back and be cool guy. We're talking about really heavy drugs. And the way the hydrologists have gone through the hybrid and the other seeds, this is pretty strong stuff. So as long as we don't know, it's a nice, naïve plant. But talk to Hina Mauka and he'll tell you how strong it is. Thank you."

Representative Aquino rose in support of the measure and asked that the remarks of Representatives Yamane and Thielen be entered into the Journal as his own, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of the current draft of SB 1458. Mr. Speaker, in 2000, the Hawaii State Legislature passed Act 228 to allow the medical use of marijuana. Currently, State law allows the limited possession, use and cultivation only for individuals who have certain exigent and closely monitored medical conditions with the Department of Public Safety's Narcotic Enforcement division providing enforcement oversight.

"Mr. Speaker, I understand and am aware of the concerns regarding this measure. But please be assured that the current amendments provided by your Committees on Health, and Public Safety & Military Affairs are try to address these concerns. We proposed and passed the following amendments:

- Reducing the scope to include licensure for one center on the island of Maui as a five-year pilot program;
- Fees collected to be allocated for Maui County;
- Requiring all food and consumable products to be regulated by the State Department of Health and the federal Food and Drug Administration;
- Requiring the Center to maintain photocopies of all filled prescriptions in a database which would be available for review by all law enforcement agencies;
- Establishing a 30 percent tax on all products sold under the pilot program which would be deposited into the State's general fund;

- Requiring the Center to be responsible for costs incurred for security and providing a live 24/7 video surveillance feed of its operations which would be provided to law enforcement;
- Requiring the Center to be located no closer than 600 yards of any childcare facility, preschool, or public or private school;
- Prohibiting the use of medication on the premises of the facility; and
- Prohibiting the medication from the Center to be transported out of Maui County.

"Mr. Speaker, I think these amendments are reasonable and should be further discussed. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1458, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Ching, Fontaine, Johanson, Marumoto and Ward voting no, and with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 976) recommending that S.B. No. 1348, SD 2, 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 Committee was adopted and S.B. No. 1348, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 977) recommending that S.B. No. 1453, SD 2, 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 Committee was adopted and S.B. No. 1453, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 978) recommending that S.B. No. 150, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 150, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 979) recommending that S.B. No. 1506, SD 2, 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 Committee was adopted and S.B. No. 1506, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 980) recommending that S.B. No. 414, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 414, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 981) recommending that S.B. No. 934, SD 2, 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 S.B. No. 934, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 982) recommending that S.B. No. 1385, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1385, SD 2, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, 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 to speak in support of the measure with reservations, stating:

"With reservations. Also I would like to note that public school lands are ceded lands, and this measure did not come to the Committee on Hawaiian Affairs. Mahalo."

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward 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 S.B. No. 1385, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 983) recommending that S.B. No. 1274, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1274, SD 2, HD 1, pass Second Reading and be

referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. I'd like to ask for a ruling on a potential conflict. My law firm does a lot of representation for external review procedures before the DCCA. 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 S.B. No. 1274, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 984) recommending that S.B. No. 591, SD 2, 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 Committee was adopted and S.B. No. 591, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY BENEFIT MANAGEMENT COMPANIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 985) recommending that S.B. No. 239, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 239, SD 2, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker, ruling on a potential conflict. My grandson is at the Medical School. Thank you," and the Chair ruled, "no conflict."

Representative Takai rose in opposition to 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:

"I rise with reservations to this measure. I would first like to applaud the Higher Education Chair and Committee members for holding JABSOM to the promises made over ten years ago and taking confident strides forward in addressing Hawaii's doctor shortage.

"For too long, we have provided funding to JABSOM without documenting our conditions or their promises as part of the law. For too long, we have let JABSOM siphon the Hawaii Tobacco Settlement Fund of critical funding that should have gone towards community tobacco cessation programs.

"The addition of the Hawaii Medical Doctor Loan Program will provide incentives for medical students to practice in our rural areas – places where families are in dire need of quality medical care.

"Along with the mandatory three-month rotation of medical students to the outer islands, the Hilo Medical Center Residency Program will provide more residency opportunities for JABSOM graduates to give back to our islands especially in the areas least likely to attract doctors seeking to join or build their own practices.

"However, I would like to remind this Body that JABSOM still has an issue to address: that of the incorporation of an Office of Smoking and Health into the medical school. Currently there is no such office of smoking and health at JABSOM.

"This Office could serve as a trailblazer in the state in terms of studying and promoting research in smoking cessation and sharing the latest treatment options and programs with the medical students and the community.

"The public expects the Legislature to be accountable for the taxes we collect and the services we provide. We should do no less to those that receive our approval and funding as well.

"JABSOM will go a long way in providing the next generation of healers with the knowledge and support to serve the people of Hawaii. But we cannot send them forward on the basis of broken and empty promises. Thank you."

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations, just noting the blank appropriation to the School of Public Health."

Representative Ching 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 S.B. No. 239, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Higher Education, with Representatives Rhoads and Takai voting no, and with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 986) recommending that S.B. No. 1498, SD 2, 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 Committee was adopted and S.B. No. 1498, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 987) recommending that S.B. No. 590, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 590, SD 1, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Johanson rose to disclose a potential conflict of interest, stating:

"Thank you. May I have 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 S.B. No. 590, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL

ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 988) recommending that S.B. No. 776, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 776, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCIENCE AND TECHNOLOGY," passed Second Reading and was referred to the Committee on Higher Education, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 989) recommending that S.B. No. 1213, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1213, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 990) recommending that S.B. No. 1161, SD 1, 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 S.B. No. 1161, SD 1, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1161, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 991) recommending that S.B. No. 1522, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee be adopted, and S.B. No. 1522, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 992) recommending that S.B. No. 298, SD 3, 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 S.B. No. 298, SD 3, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I stand with the reservations on this. Mr. Speaker, just to flag a couple of things before it goes to CPC. It sounds like it's got very good intentions, but when we have directors and we have officers without any fiduciary responsibility, no legal liabilities, it kind of puts up a red flag. Maybe we've got profits and we've got nonprofits. People who run those have character also, but how is the character of somebody who runs a sustainable business corporation not going to be subject to the same frailties of human temptation, greed, envy, whatever all the things are. So the fact that they're immune I think is a dangerous precedent.

"I hope CPC will look at it and dissect it and discern it. What it means and what it doesn't mean. Because it's really blurring the line between the profit and the nonprofit sector. And once you get beyond the warm and fuzzy *kumbayas*, I hope we really get to the substance of this. Because if it's real and it's needed, let's go for it. But if it's not and we're just doing something like an ingenuity corporation, excuse me for saying that, we probably shouldn't proceed with it. Thank you."

Representative Fontaine rose in support of the measure with reservations and asked that the remarks of Representative Ward be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I would like to express my reservations on SB 298, SD3, HD1. I do not have an argument with the goals of this "sustainable business corporation". The objectives are beneficial, and the transparency it will require is meritorious.

"However, from the outset the Business Registration Division of the Department of Commerce & Consumer Affairs expressed concerns that the proposed entity would require a new registration framework and massive software changes. My understanding is that the draft before us reflects an agreement worked out without the DCCA. I vote with reservations to flag out the need to retain the consent of the Department."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching 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 S.B. No. 298, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 993) recommending that S.B. No. 1, SD 2, 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 S.B. No. 1, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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 Pine 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 S.B. No. 1, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RECOGNITION OF THE NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 994) recommending that S.B. No. 101, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 101, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Health, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 995) recommending that S.B. No. 333, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 333, SD 3, HD 1, pass Second Reading and be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative Evans.

Representative Ching rose in support of 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 strong support of S.B. 333 - Relating to Historic Preservation, which requires that 1% of all State fund appropriations designated for construction and renovation of State buildings to be deposited into the Hawaii Historic Preservation Special Fund.

"As a lead advocate for heritage and historic preservation efforts, this bill will expand the use of these funds to preserve and enhance those historic monuments, buildings, and places that make Hawaii so unique. I believe architecture is in fact the largest, most utilized, most recognizable form of art in our daily lives. I encourage you, my colleagues, to similarly support this initiative, as it is incumbent upon us as legislators to protect our precious historic resources."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 333, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 996) recommending that S.B. No. 981, SD 2, 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 S.B. No. 981, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 997) recommending that S.B. No. 1130, SD 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 S.B. No. 1130, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 998) recommending that S.B. No. 1520, SD 2, 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 S.B. No. 1520, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1520, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

Representatives Hanohano and Aquino, for the Committee on Hawaiian Affairs and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 999) recommending that S.B. No. 986, SD 2, 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 S.B. No. 986, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley being excused.

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker, I have two announcements. I have one announcement that there shall be tomorrow a Japan Disaster Relief Benefit Concert. It's called *Unshakably Yours and Hands Across the Ocean*. It's a nonprofit event with the American Red Cross as the benefactor of the fundraiser because Hawaii has a long history with Japan and many personal ties. And this event is to bring the people of Hawaii together to support our 'ohana in Japan and provide much needed help in relief efforts. It is an evening for the family with Willow Chang is helping to produce this. Willow Chang will perform. Jeff Peterson, Kenny Endo Taiko, Kamuela Kahoano. It is tomorrow at 4:00 p.m. to 10:00 p.m. at Restaurant Row with a \$10 entrance fee, a silent auction and children under 12 are free.

"My second announcement, if there could be perhaps a moment of silence. Evanita Sumner Midkiff was born June 8th, and died February 25. She was the granddaughter of Anita Alejandra Neumann Focke Lloyd who was the great granddaughter of Paul Neumann who was the Attorney General for King Kalakaua and Queen Liliuokalani. He served as their personal representative and helped to make sure they had their pendant.

"She was the director of the Garden Club. She was the Regent of the Daughters of Hawaii. And it's interesting that her grandmother also was

the subject of a Robert Louis Stevenson poem when he saw her at one of King Kalakaua's balls.

"But she is Robert Midkiff's wife. She was an excellent golfer, and an incredible athlete at Punahou. Went on to go to college at Vassar and was actually a champion golfer. And she was the Co-Chair of the Aliiolani Hale History Center restoration. The President of the Junior league, and helped to make a number of publications for the Daughters of Hawaii. So at the appropriate time I would like to ask for a moment of silence. Her services will be tomorrow across the street at 10:00 a.m. at St. Andrews."

Representative Tokioka: "Thank you, Mr. Speaker. Our office in Room 322, is going to be collecting blankets and jackets on behalf of Aloha for Japan. This is in conjunction with the National Women's Construction League. I just wanted to make that announcement to the Members, staff and whoever's watching us so we can help out friends in Japan. Hawaii Air Cargo will be helping us ship these items to Japan. Thank you, Mr. Speaker."

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Mrs. Evanita Sumner Midkiff.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B.

Nos.

Re-referred to:

4, SD1	Jointly to the Committee on Economic Revitalization & Business and the Committee on Judiciary, then to the Committee on Finance
101, SD1, HD1	Committee on Hawaiian Affairs, then to the Committee on Consumer Protection & Commerce
150, SD2, HD1	Committee on Health, then to the Committee on Finance
209, SD1	Committee on Finance
219, SD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health
333, SD3, HD1	Committee on Hawaiian Affairs, then to the Committee on Finance
414, SD3, HD1	Committee on Health, then to the Committee on Finance
741, SD1	Committee on Finance
892, SD2	Committee on Health, then to the Committee on Finance
1213, SD1, HD1	Committee on Economic Revitalization & Business, then to the Committee on Finance
1382, SD2	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance

1385,
SD2,
HD1

Committee on Education, then to the Committee on Finance

ADJOURNMENT

At 1:27 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 21, 2011. (Representatives Chang, Coffman, Herkes, Keith-Agaran, Nakashima and Wooley were excused.)

THIRTY-FOURTH DAY

Monday, March 21, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Ching, McKelvey, M. Oshiro and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Third Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 186) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 186, dated March 9, 2011, transmitting the 2010 Annual Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201-10, HRS.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 69 through 71) were received by the Clerk and were placed on file:

Dept. Com. No. 69, dated February 22, 2011, from Winfred Pong, VP, Administrative & Fiscal Affairs, Hawaii Tourism Authority, transmitting a CEO Report which includes information related to contracts or agreements executed by the Hawaii Tourism Authority valued at \$25,000 or greater, pursuant to Section 201B-7(a)(9), HRS.

Dept. Com. No. 70, dated February 24, 2011, from Kalbert K. Young, Director of Finance, Department of Budget and Finance, transmitting BJ details for the FB 2011-13 Executive Budget for the Departments of the Attorney General, Budget and Finance and Hawaiian Home Lands and the Office of the Governor, correcting discrepancies previously transmitted.

Dept. Com. No. 71, dated January 14, 2011, from Karen Takahashi, Legislative Coordinator, Office of the Administrative Director of the Courts, The Judiciary, transmitting a letter acknowledging receipt of a letter from the Senate and House Chief Clerk's offices regarding transmitting reports to the Legislature dated November 30, 2010. The Judiciary inadvertently submitted its reports under separate cover letters and not in accordance with the instructions; future reports will follow proper procedures.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Johanson introduced his intern, Mr. Nash Roehr and his mother Ms. Carolyn Roehr of Lincoln Nebraska.

Representative Nishimoto introduced University of Hawaii student shadows:

Ms. Amy Brinker of the UH Manoa School of Law, shadowing Representative Nishimoto;
Ms. Melinda Alles of the Hawaii Community College, shadowing Representative Ching;
Mr. Kanoe Case of the Hawaii Community College, shadowing Representative Evans;
Ms. Elina Fred, of UH Hilo, shadowing Representative Keith-Agaran;
Ms. Ashley Labasan of the UH Manoa School of Law, shadowing Representative C. Lee;
Mr. Travis Fallon of UH Manoa, shadowing Representative Takai; and
Mr. Sergio Alcubilla of the UH Manoa School of Law, shadowing Representative Thielen.

Representative Takai introduced from the University of Hawaii at Manoa, Ms. Anna Koethe, ASUH Vice President; and Mr. Ivan Chik, ASUH Senator and Chair of External Affairs.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 287) was announced by the Clerk and the following action taken:

H.R. No. 287, entitled: "HOUSE RESOLUTION CONGRATULATING AND HONORING THE HILTON HAWAIIAN VILLAGE IN CELEBRATION OF ITS 50TH ANNIVERSARY," was offered by Representative Brower.

Representative Brower moved that H.R. No. 287 be adopted, seconded by Representative Tokioka.

Representative Brower congratulated the Hilton Hawaiian Village, and thanked them for 50 years of memories and being a part of the Waikiki community.

Representative Brower then introduced the honorees seated on the Floor of the House who received the certificate on behalf of the Hilton Hawaiian Village:

Mr. Jerry Gibson, Area Vice President for Hilton Hawaiian Village Resort & Spa; and

Mr. Henry Perez, General Manager of Hilton Grand Vacations Club.

Representative Nishimoto then introduced guests who were seated in the gallery:

Mrs. Sandra Gibson, wife of Mr. Jerry Gibson; and
Mrs. Simone Perez, wife of Mr. Henry Perez.

The motion was put to vote by the Chair and carried, and H.R. No. 287 was adopted, with Representatives Carroll, McKelvey, M. Oshiro and Saiki being excused.

The following resolution (H.R. No. 288) was announced by the Clerk and the following action taken:

H.R. No. 288, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING CECILIO AND KAPONO ON THEIR LIFETIME ACHIEVEMENT AWARD AS CONTEMPORARY HAWAIIAN MUSIC ARTISTS," was offered by Representative Tokioka.

Representative Tokioka moved that H.R. No. 288 be adopted, seconded by Representative Chang.

Representative Tokioka commended the honorees for the nearly 40 years of music and the 'C&K sound' they have shared throughout the world.

Representative Tokioka then introduced the honorees seated on the Floor of the House:

Mr. Cecilio Rodriguez; and
Mr. Henry Kapono Ka'aihue.

At this time, the honorees also thanked and congratulated the Hilton Hawaiian Village, and performed for the House of Representatives, guests and audience the following C&K classics:

We Are Friends;

*It's Been a Good Time Together; and
All in Love is Fair.*

Representative Say then introduced entertainers and friends of the honorees who were seated in the gallery:

Mr. Sean Naauao;
Ms. Haunani Apoliona of Olomana;
Mr. Ben Taaca;
Ms. Cherie Yuen;
Mr. Chris Rego;
Mr. Michael McGraw; and
Mr. Tom Gierman.

The motion was put to vote by the Chair and carried, and H.R. No. 288 was adopted, with Representatives Carroll, McKelvey and Saiki being excused.

At 12:36 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:49 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1000) recommending that S.B. No. 699, SD 2, 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 S.B. No. 699, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of Senate Bill 699, which will help fund the Office of Environmental Quality Control. My only caution would be that we not raid that money. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, on the same Standing Committee Report 1000. I have reservations on Senate Bill 699, Senate Draft 2, House Draft 1. It has to do with the Office of Environmental Quality Control. I'm voting with reservations because while this Office does a lot of good work, we are establishing yet another special fund and raising fees to support the operations. These are very expensive fees. I would say up to \$4,000, so it's nothing to sneeze at.

"The DLNR supported the measure as long as the fees are appropriate, whatever that might be. But they had concerns with the budgetary impacts on its Department, on small landowners, and nonprofit partners engaging in conservation projects that do not generate profits and support public benefits.

"According to the City and County of Honolulu, the filing of fees from State and county agencies would severely burden those agencies required to publish many environmental review documents on a regular basis.

"The Budget and Finance Department recognizes the benefit of user's fees, but does not support the creation of a special fund.

"The Land Use Research Foundation believes that this fee is arbitrary and is inconsistent with Chapter 91, the administrative process of establishing fees for services which assures that we have public hearings and input, expert advice and greater transparency. Thank you."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. The Office of Environmental Quality Control has been understaffed for years now and it's basically holding up a lot of development in our State. These are discretionary services. Organizations requiring this service should pay their fair share. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker and Members of the House. I wish to speak with some reservations on this measure. I realize the importance of this particular department. However, I'm concerned not only about the special funds and the cost that may come about, and the kind of quasi-autonomy that we're providing for this department.

"My other concern is that we are allowing, making an exception in the hiring of employees to circumvent the civil service law and collective bargaining.

"These are my concerns and I hope that the Committee that this is going to will take a strong, hard look at that. Thank you very much, Members."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Just a brief comment. Any fee that goes from zero to \$4,000 deserves another look and examination. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered into the Journal as his 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. 699, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1001) recommending that S.B. No. 704, SD 2, 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 S.B. No. 704, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1002) recommending that S.B. No. 1244, SD 2, 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 S.B. No. 1244, SD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1003) recommending that S.B. No. 1346, SD 2, 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 S.B. No.

1346, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Ching introduced her University of Hawaii shadow, Ms. Melinda Alles, studying Accounting and Political Science at Hawaii Community College.

REPORTS OF STANDING COMMITTEES

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1004) recommending that S.B. No. 1482, SD 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 S.B. No. 1482, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Marumoto 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 S.B. No. 1482, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1005) recommending that S.B. No. 1270, SD 2, 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 S.B. No. 1270, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Yes, could the Clerk please cast a no vote for me on using the Hawaii Hurricane Relief Fund? Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment. Notwithstanding the excitement of being a legislator, it's the difficult times when you're on both sides of the issue, and that's why I'm with reservations. As my colleague just indicated, she is a no vote. I have reservations about even touching that money.

"At the same time I know that this Caucus stood up last Session and said, 'Look, if you're going to have to take it, borrow it.' The good thing about this bill is that it's borrowing the money. The other good thing that it's only zero at least at the present. But there's \$117 million in there of which I think there's \$63 being spoken for.

"So the good, the bad, on both sides of it, Mr. Speaker with reservations. And if I had the power of amending it, I would cap a ceiling of \$100 that we would borrow from it. Hopefully this bill will go away. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, reservations on this particular measure. I believe that this Caucus supported borrowing GO funds to bolster this Fund. I guess it was last Session. This way it would preserve our bond rating, rather than just simply raiding the Fund. Thank you, very much."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Please note my reservations and if I could just make one short comment. My reservations are based on the preamble to this bill which one sentence in particular jumps out to me. 'The State's options for balancing the budget have for the most part been exercised.'

"We're well aware that with the newest Council on Revenue projections, with the request by the Governor for other projections, that we most definitely have to consider this bill. But I want us to be clear that we are going to be considering all options as suggested by the preamble in this measure before us. 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. 1270, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no, and with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1006) recommending that S.B. No. 1347, SD 1, 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 S.B. No. 1347, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Souki 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 S.B. No. 1347, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1007) recommending that S.B. No. 1349, SD 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 S.B. No. 1349, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1008) recommending that S.B. No. 583, SD 1, 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 S.B. No. 583, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1009) recommending that S.B. No. 1276, SD 2, 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 S.B. No. 1276, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1010) recommending that S.B. No. 35, 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 S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1011) recommending that S.B. No. 1342, SD 1, 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 S.B. No. 1342, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR THE DISABLED," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1012) recommending that S.B. No. 1301, SD 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 S.B. No. 1301, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representatives Cabanilla and Mizuno, for the Committee on Housing and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1013) recommending that S.B. No. 897, SD 2, 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 S.B. No. 897, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"I wanted to declare a potential conflict on Stand. Com. Rep. No. 1013. I do some part-time work for a homeless shelter. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 897, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1014) recommending that S.B. No. 903, SD 1, 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 S.B. No. 903, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1015) recommending that S.B. No. 1125, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and 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 S.B. No. 1125, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1016) recommending that S.B. No. 1171, 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 S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1017) recommending that S.B. No. 123, SD 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. 123, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1018), recommending that H.R. No. 72, as amended in HD 1, be referred to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 72, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXAMINE FEDERAL LAWS AND REGULATIONS TO ALLOW STATES TO MORE READILY ENACT UNEMPLOYMENT COMPENSATION-RELATED LAWS THAT ALLOW FEAR OF DOMESTIC OR SEXUAL VIOLENCE TO BE A VALID REASON FOR NOT ACCEPTING SUITABLE WORK," was referred to the Committee on Human Services, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1019), recommending that H.C.R. No. 80, as amended in HD 1, be referred to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 80, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXAMINE FEDERAL LAWS AND REGULATIONS TO ALLOW STATES TO MORE READILY ENACT UNEMPLOYMENT COMPENSATION-

RELATED LAWS THAT ALLOW FEAR OF DOMESTIC OR SEXUAL VIOLENCE TO BE A VALID REASON FOR NOT ACCEPTING SUITABLE WORK," was referred to the Committee on Human Services, with Representatives Carroll, McKelvey, Saiki and Wooley being excused.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, last week I introduced my intern from Japan, Masa Yuasa. And I announced that batteries, I think it was triple A batteries, were selling in Tokyo for \$280. A couple of hours after that he said, 'No, they're at \$350 now.' Then he told me on Friday that they're now at \$700. He feels compelled and I want to announce to my colleagues that there is a battery drive that he will be doing. I know some of the Members are doing blankets and other things. This is strictly for batteries. Can you imagine a pack that costs about \$5 here is \$700 in Tokyo? So a battery drive, and a memo that will be going to all Members and I ask that all help out. Thank you."

Representative Ching: "Thank you, Mr. Speaker. On behalf of the Heritage Caucus, Representative Cindy Evans and myself, tomorrow will be the 9th Annual Historic Preservation Awareness Day and it will be from 9:00 a.m. to 12:00 with booths throughout the floor. You'll notice that, and I please encourage all our colleagues to visit them because you'd be surprised that some may be from your district. And with APEC coming in November one of the focuses will be heritage, our strength here in Hawaii. So we really encourage everyone and their office staff to come visit. Thank you."

Representative Cabanilla, for the Committee on Housing requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing H.R. Nos. 267 and 268, and their accompanying H.C.R. Nos. on Wednesday, March 23 at 9:00 a.m. in Conference Room 325.

"HR 267 is urging the State of Hawaii to open up the parking lot of the previous Queen Liliuokalani School to serve as a night-time parking lot for the working homeless.

"HR 268 is urging the State of Hawaii, Department of Economic Development and Tourism to open up the parking lot of the Foreign Trade Zone as a parking lot for the working homeless from 8:00 p.m. to 6:00 a.m."

At 1:03 o'clock p.m. Representative Chong requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

Representative Cabanilla: "Mr. Speaker, I would like to withdraw that request. I need to fill in some paperwork. Thank you, Mr. Speaker."

Representative Rhoads, for the Committee on Judiciary requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 1, SD 2, HD 1, Relating to State Recognition of the Native Hawaiian People, Their Lands, Entitlements, Health, Education, Welfare, Heritage, and Culture, on Tuesday, March 22, at 2:00 p.m. in Conference Room 325, and the Chair "so ordered."

Representative Awana: "Thank you, Mr. Speaker, just a point of clarification for the good Representative from Hawaii Kai who mentioned that it's \$750 for batteries. If I'm not mistaken, he may have referred to yen versus dollars. Thank you, Mr. Speaker."

Representative Ward: "Mr. Speaker, that was my exact comment back to him and he said, 'No, it's US dollars.' It's crazy that it's taken such a toll in Japan. It's actual dollars, and it's probably climbing as we speak."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
162	Committee on Transportation, then to the Committee on Finance
163	Committee on Transportation, then to the Committee on Finance
164	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
165	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance
166	Committee on International Affairs
167	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance
168	Committee on Health, then to the Committee on Finance
169	Committee on Health, then to the Committee on Judiciary
170	Committee on Higher Education, then jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance
171	Committee on Judiciary, then to the Committee on Finance
172	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance
173	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
174	Committee on Judiciary
175	Committee on International Affairs
176	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Hawaiian Affairs, then to the Committee on Finance
177	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
178	Committee on Public Safety & Military Affairs, then to the Committee on Finance
179	Committee on Public Safety & Military Affairs, then to the Committee on Finance
180	Committee on Health
181	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
182	Committee on Health, then to the Committee on Finance
183	Committee on Human Services, then to the Committee on Finance

184	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance	209	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
185	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	210	Committee on Health
186	Committee on Health, then to the Committee on Finance	211	Committee on International Affairs, then to the Committee on Finance
187	Committee on Legislative Management, then to the Committee on Finance	212	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
188	Committee on Tourism	213	Committee on Public Safety & Military Affairs, then to the Committee on Finance
189	Committee on Health, then to the Committee on Judiciary, then to the Committee on Legislative Management	214	Jointly to the Committee on Economic Revitalization & Business and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
190	Committee on Legislative Management, then to the Committee on Finance	215	Committee on Finance
191	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance	216	Committee on Public Safety & Military Affairs, then to the Committee on International Affairs
192	Committee on Judiciary, then to the Committee on Finance	217	Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Finance
193	Committee on Education, then to the Committee on Finance	218	Committee on Finance
194	Committee on Education, then to the Committee on Agriculture, then to the Committee on Finance	219	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
195	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Finance	220	Committee on Education, then to the Committee on Human Services, then to the Committee on Finance
196	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance	221	Committee on Higher Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
197	Committee on Culture & the Arts, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	222	Committee on Culture & the Arts, then to the Committee on Finance
198	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	223	Committee on Education, then jointly to the Committee on Agriculture and the Committee on Health, then to the Committee on Finance
199	Committee on Education, then to the Committee on Human Services, then to the Committee on Finance	224	Committee on Higher Education, then to the Committee on Culture & the Arts
200	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	225	Committee on Public Safety & Military Affairs, then to the Committee on Housing
201	Committee on Education, then to the Committee on Finance	226	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
202	Committee on International Affairs	227	Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Finance
203	Committee on International Affairs, then to the Committee on Judiciary, then to the Committee on Finance	228	Committee on Health
204	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing	229	Committee on Public Safety & Military Affairs, then to the Committee on Finance
205	Committee on Energy & Environmental Protection, then to the Committee on Finance	230	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
206	Committee on Hawaiian Affairs, then to the Committee on Higher Education, then to the Committee on Finance	231	Committee on Transportation, then to the Committee on Finance
207	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance		
208	Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs, then to the Committee on Finance		

232	Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	256	Committee on Higher Education, then to the Committee on Finance
233	Committee on Finance	257	Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance
234	Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance	258	Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance
235	Committee on Legislative Management, then to the Committee on Finance	259	Committee on Energy & Environmental Protection, then to the Committee on Finance
236	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	260	Committee on Hawaiian Affairs, then to the Committee on Public Safety & Military Affairs
237	Committee on Culture & the Arts	261	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance
238	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health	262	Jointly to the Committee on Culture & the Arts and the Committee on Tourism, then to the Committee on Finance
239	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary	263	Jointly to the Committee on International Affairs and the Committee on Agriculture
240	Committee on Higher Education, then to the Committee on Tourism, then to the Committee on Finance	264	Committee on Transportation, then to the Committee on Finance
241	Committee on Public Safety & Military Affairs, then to the Committee on Economic Revitalization & Business	265	Committee on Agriculture
242	Committee on Judiciary	266	Committee on Higher Education, then to the Committee on Agriculture, then to the Committee on Finance
243	Committee on Legislative Management, then to the Committee on Finance	267	Committee on Housing, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance
244	Committee on Health, then to the Committee on Judiciary	268	Committee on Housing, then to the Committee on Education, then to the Committee on Finance
245	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance	269	Committee on Hawaiian Affairs, then to the Committee on Housing, then to the Committee on Consumer Protection & Commerce
246	Committee on Higher Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	270	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance
247	Committee on Housing, then to the Committee on Finance	271	Committee on Culture & the Arts
248	Committee on Health, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance	272	Committee on Health, then to the Committee on Finance
249	Committee on Education, then to the Committee on Finance	273	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance
250	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance	274	Committee on Health
251	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business	275	Committee on Health, then to the Committee on Finance
252	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce	276	Committee on Health, then to the Committee on Economic Revitalization & Business
253	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	277	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
254	Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance	278	Committee on Hawaiian Affairs, then to the Committee on Judiciary
255	Committee on Hawaiian Affairs, then to the Committee on Finance	279	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

280 Jointly to the Committee on Hawaiian Affairs and the Committee on Economic Revitalization & Business, then to the Committee on Finance

281 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

282 Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Finance

283 Committee on Hawaiian Affairs, then to the Committee on Agriculture, then to the Committee on Finance

H.C.R.
Nos.

Referred to:

188 Committee on Transportation, then to the Committee on Finance

189 Committee on Transportation, then to the Committee on Finance

190 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

191 Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance

192 Committee on International Affairs

193 Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance

194 Committee on Health, then to the Committee on Finance

195 Committee on Health, then to the Committee on Judiciary

196 Committee on Health, then to the Committee on Finance

197 Committee on Higher Education, then jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, then to the Committee on Finance

198 Committee on Judiciary, then to the Committee on Finance

199 Committee on Legislative Management, then to the Committee on Finance

200 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

201 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Finance

202 Committee on Judiciary

203 Committee on Transportation, then to the Committee on Finance

204 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Hawaiian Affairs, then to the Committee on Finance

205 Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

206 Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Finance

207 Committee on Public Safety & Military Affairs, then to the Committee on Finance

208 Committee on Public Safety & Military Affairs, then to the Committee on Finance

209 Committee on Health

210 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

211 Committee on Health, then to the Committee on Finance

212 Committee on Human Services, then to the Committee on Finance

213 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance

214 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

215 Committee on Health, then to the Committee on Finance

216 Committee on Legislative Management, then to the Committee on Finance

217 Committee on Tourism

218 Committee on Health, then to the Committee on Judiciary, then to the Committee on Legislative Management

219 Committee on Legislative Management, then to the Committee on Finance

220 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance

221 Committee on Judiciary, then to the Committee on Finance

222 Committee on Education, then to the Committee on Finance

223 Committee on Education, then to the Committee on Agriculture, then to the Committee on Finance

224 Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Finance

225 Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance

226 Committee on Culture & the Arts, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

227 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

228 Committee on Education, then to the Committee on Human Services, then to the Committee on Finance

229 Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance

230 Committee on Education, then to the Committee on Finance

231	Committee on International Affairs, then to the Committee on Human Services	255	Committee on Finance
232	Jointly to the Committee on International Affairs and the Committee on Human Services	256	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business, then to the Committee on Finance
233	Committee on International Affairs	257	Committee on Education, then to the Committee on Human Services, then to the Committee on Finance
234	Committee on International Affairs	258	Committee on Higher Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
235	Committee on Labor & Public Employment, then to the Committee on International Affairs	259	Committee on Culture & the Arts, then to the Committee on Finance
236	Committee on Hawaiian Affairs, then to the Committee on Economic Revitalization & Business, then to the Committee on Legislative Management	260	Committee on Education, then jointly to the Committee on Agriculture and the Committee on Health, then to the Committee on Finance
237	Committee on International Affairs, then to the Committee on Judiciary, then to the Committee on Finance	261	Committee on Higher Education, then to the Committee on Culture & the Arts
238	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance	262	Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance
239	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing	263	Committee on Public Safety & Military Affairs, then to the Committee on Housing
240	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	264	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
241	Committee on Energy & Environmental Protection, then to the Committee on Finance	265	Jointly to the Committee on Human Services and the Committee on Housing, then to the Committee on Finance
242	Committee on Energy & Environmental Protection, then to the Committee on Finance	266	Committee on Health
243	Committee on Hawaiian Affairs, then to the Committee on Higher Education, then to the Committee on Finance	267	Committee on Public Safety & Military Affairs, then to the Committee on Finance
244	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance	268	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
245	Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs, then to the Committee on Finance	269	Committee on Legislative Management, then to the Committee on Finance
246	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	270	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
247	Committee on Health	271	Committee on Culture & the Arts
248	Committee on International Affairs, then to the Committee on Finance	272	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary
249	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business	273	Committee on Higher Education, then to the Committee on Tourism, then to the Committee on Finance
250	Committee on Public Safety & Military Affairs, then to the Committee on Finance	274	Committee on Public Safety & Military Affairs, then to the Committee on Economic Revitalization & Business
251	Jointly to the Committee on Economic Revitalization & Business and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	275	Committee on Judiciary
252	Committee on Finance	276	Committee on Legislative Management, then to the Committee on Finance
253	Committee on Public Safety & Military Affairs, then to the Committee on International Affairs	277	Committee on Health, then to the Committee on Judiciary
254	Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Finance	278	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance

279 Committee on Higher Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

280 Committee on Housing, then to the Committee on Finance

281 Committee on Health, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance

282 Committee on Education, then to the Committee on Finance

283 Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance

284 Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business

285 Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce

286 Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

287 Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

288 Committee on Hawaiian Affairs, then to the Committee on Finance

289 Committee on Higher Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance

290 Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs

291 Committee on Higher Education, then to the Committee on Finance

292 Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance

293 Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance

294 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

295 Committee on Hawaiian Affairs, then to the Committee on Public Safety & Military Affairs

296 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance

297 Jointly to the Committee on Culture & the Arts and the Committee on Tourism, then to the Committee on Finance

298 Jointly to the Committee on International Affairs and the Committee on Agriculture

299 Committee on Transportation, then to the Committee on Finance

300 Committee on Agriculture

301 Committee on Higher Education, then to the Committee on Agriculture, then to the Committee on Finance

302 Committee on Housing, then to the Committee on Economic Revitalization & Business, then to the Committee on Finance

303 Committee on Housing, then to the Committee on Education, then to the Committee on Finance

304 Committee on Hawaiian Affairs, then to the Committee on Housing, then to the Committee on Consumer Protection & Commerce

305 Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance

306 Committee on Culture & the Arts

307 Committee on Health, then to the Committee on Finance

308 Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance

309 Committee on Health

310 Committee on Health, then to the Committee on Finance

311 Committee on Health, then to the Committee on Economic Revitalization & Business

312 Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance

313 Committee on Hawaiian Affairs, then to the Committee on Judiciary

314 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

315 Jointly to the Committee on Hawaiian Affairs and the Committee on Economic Revitalization & Business, then to the Committee on Finance

316 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

317 Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Finance

318 Committee on Hawaiian Affairs, then to the Committee on Agriculture, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B.
No.

Re-referred to:

755, Jointly to the Committee on Economic Revitalization & SD2 Business and the Committee on Judiciary, then to the Committee on Finance

ADJOURNMENT

At 1:06 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, Tuesday, March 22, 2011. (Representatives Carroll, Chang, Herkes, McKelvey, Saiki and Wooley were excused.)

THIRTY-FIFTH DAY

Tuesday, March 22, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:10 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Har and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fourth Day was deferred.

INTRODUCTIONS

At 12:13 o'clock p.m. Representative Coffman requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

The following introductions were made to the Members of the House:

Representative Chang introduced Mr. Leroy Simms, Athletic Director at Hilo High School.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 289) was announced by the Clerk and the following action taken:

H.R. No. 289, entitled: "HOUSE RESOLUTION HONORING "PAPA" FRED PEREIRA OF THE WAIANAE BOXING CLUB," was offered by Representative Awana.

Representative Awana moved that H.R. No. 289 be adopted, seconded by Representative Chang.

Representative Awana introduced the founder of the Waianae Boxing Club, 'Papa' Fred Pereira who was seated on the Floor of the House, and commended him for being a coach, mentor and role model to the many youth in the community.

Representative Awana also introduced friends seated in the gallery: Coach Blane Yoshida of the East Oahu Boxing Club; and boxer, Mr. Presley Salas of the Waianae Boxing Club.

Representative Chang also commended Coach Fred Pereira for his efforts and accomplishments in the sport of boxing, and for inspiring champions both in the ring, and out.

The motion was put to vote by the Chair and carried, and H.R. No. 289 was adopted, with Representatives Har and Thielen being excused.

The following resolution (H.R. No. 290) was announced by the Clerk and the following action taken:

H.R. No. 290, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING JALEE FUSELIER ON REPRESENTING HAWAII AS MISS HAWAII 2010, AND COMMENDING AND CONGRATULATING THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS 2011 HAWAII STATE HONOREES AND 2011 HAWAII STATE DISTINGUISHED FINALISTS," was offered by Representative Riviere.

Representative Riviere moved that H.R. No. 290 be adopted, seconded by Representative Coffman.

Representative Riviere congratulated 2010 Miss Hawaii, Ms. Jalee Fuselier, and commended her on her many accomplishments and volunteerism in service to our community.

Representative Riviere then congratulated the Hawaii winners of the Prudential Spirit of Community Award for 2011, recognized for their outstanding service to others, who were seated on the Floor of the House.

Representative Riviere introduced Ms. Carly Button, an 8th grade student at Hawaii Technology Academy, 2011 Hawaii State Honoree and silver medallion middle school recipient.

Seated in the gallery were Ms. Button's family: Parents, Mr. Mark and Mrs. Diane Button; brother, Mr. Jack Button; sister, Ms. Hannah Button; grandmother, Mrs. Rosemary Steiss; and aunt, Ms. Linda Polasek.

Representative Coffman then introduced Ms. Natalie Mohr, a senior at Kealahoe High School, 2011 Hawaii State Honoree and silver medallion high school recipient.

Seated in the gallery were Ms. Mohr's family: Parents, Mr. Sanford and Mrs. Tina Mohr; sister, Ms. June Mohr; brother and sister-in-law, Mr. Bubbah and Mrs. Luran Mohr; and *hanai* mom, Ms. Ann Goody.

Representative Riviere introduced Ms. Richel Marie Cole, a senior at Sacred Hearts Academy, 2011 Hawaii State distinguished finalist and bronze medal recipient.

Seated in the gallery were Ms. Cole's parents, Mr. Ricardo and Mrs. Elisa Cole.

Representative Ching then introduced Mr. Kyle Nakatsuka, a senior at Kamehameha, 2011 Hawaii State distinguished finalist and bronze medal recipient.

Seated in the gallery were Mr. Nakatsuka's family: his father, Mr. Craig Nakatsuka; and grandmother, Mrs. Florence Loo.

The motion was put to vote by the Chair and carried, and H.R. No. 290 was adopted, with Representatives Cabanilla, Har and Thielen being excused.

At 12:36 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1020) recommending that S.B. No. 1394, SD 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 S.B. No. 1394, SD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1394, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1021) recommending that S.B. No. 904, SD 2, 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 S.B. No. 904, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"I'd like a ruling on a potential conflict. I work part time for a homeless shelter," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 904, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1022) recommending that S.B. No. 912, SD 2, 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 S.B. No. 912, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1023) recommending that S.B. No. 1290, SD 1, 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 S.B. No. 1290, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1024) recommending that S.B. No. 985, SD 1, 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 S.B. No. 985, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1025) recommending that S.B. No. 806, SD 1, 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 S.B. No. 806, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1026) recommending that S.B. No. 1281, SD 1, 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 S.B. No. 1281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1027) recommending that S.B. No. 1375, SD 1, 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 S.B. No. 1375, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1028) recommending that S.B. No. 1485, SD 1, 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 S.B. No. 1485, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Souki and Herkes, for the Committee on Transportation and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1029) recommending that S.B. No. 1326, SD 2, 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 S.B. No. 1326, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS OF RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Souki and Herkes, for the Committee on Transportation and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1030) recommending that S.B. No. 98, SD 2, 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 S.B. No. 98, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1031) recommending that S.B. No. 1416, SD 1, 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 S.B. No. 1416, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1032) recommending that S.B. No. 1190, SD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1190, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1033) recommending that S.B. No. 124, SD 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 Committee was adopted and S.B. No. 124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Har being excused.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1034) recommending that S.B. No. 142, SD 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 S.B. No. 142, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 Committees was adopted and S.B. No. 142, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1035) recommending that S.B. No. 655, SD 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 S.B. No. 655, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1036) recommending that S.B. No. 1549, SD 2, 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 S.B. No. 1549, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, on Stand. Com. Rep. No. 1036. I stand in support, however I do have reservations with this measure. It's a slight reservation, but one I'd like to note nonetheless. It actually has to do with an amendment that was made on page 13, line 6, which now applies common area maintenance fees for all holders of commercial permits.

"Mr. Speaker, these are some very large costs, most of which are to address impacts by the general public at large. And if you were to

compound these with the existing and future scheduling, also coupled with the damage that these facilities have suffered, it's going to literally be a backbreaker on the business community trying to operate from our small boat harbors. I just would hope that when the Committee on Finance looks at this measure that they can work with the small business community in the State, and with the boaters to address this subsection (c) and perhaps make it inclusive of existing fees. Thank you, very much."

Representative Brower rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations on Senate Bill 1549. Thank you, Mr. Speaker. I just ask Members to consider maybe some unintended consequences of this bill in later decision making. It attempts to address needed repairs and maintenance of ocean recreational facilities such as the Ala Wai Small Boat Harbor.

"In its current form it would allow for commercial vessels at that harbor and I believe that would violate a deed. Deed 196552 between the Territory of Hawaii which was signed by Governor Samuel King and Ala Moana properties enacted back in 1956. The deed states among other things, that the territory shall restrict its use of the marine area for commercial seaworthy marine vessels.

"And in the interest of time, Mr. Speaker, I will just close with that I would prefer that an alternative funding mechanism be in place like increasing the amount of live-aboards at the Ala Wai Small Boat Harbor. The profit from increasing the amount of live-aboards at the harbor would greatly exceed the grand total of over \$140,000 per year that commercial vessels, commercial vessels in other State small boat harbors like Haleiwa, Heeia Kea, Keehi and Waianae combined, generate. It's a difference of almost \$400,000. Thank you."

Representative Riviere rose to speak in support of the measure with reservations, stating:

"With reservations. It's my understanding that there's a five-year waiting list for recreational slips in the Ala Wai. It's a well-used harbor and there's a lot of small boats going in and out, and a lot of kids learning to sail. I would suggest that it's more appropriate that we divert or direct commercial activities to Kewalo Basin which is just a mile down the street and has capacity for more usage. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1549, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1037) recommending that S.B. No. 1555, SD 2, 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 S.B. No. 1555, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan 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 S.B. No. 1555, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1038) recommending

that S.B. No. 119, SD 2, 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 S.B. No. 119, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee 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 S.B. No. 119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BUILDINGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1039) recommending that S.B. No. 1215, SD 2, 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 S.B. No. 1215, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 S.B. No. 1215, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1040) recommending that S.B. No. 125, SD 2, 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 S.B. No. 125, SD 2, HD 1, pass Second Reading and 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."

Representative Ching 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 S.B. No. 125, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1041) recommending that S.B. No. 126, SD 2, 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 S.B. No. 126, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1042) recommending that S.B. No. 127, SD 1, 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 S.B. No. 127, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE DEAF CENTER," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Coffman, Cabanilla and Chang, for the Committee on Energy & Environmental Protection, the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1043) recommending that S.B. No. 181, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 181, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Generally speaking, Mr. Speaker, I don't like mandates from 'Big Brother' or the slippery slope to the 'nanny state,' but this one fits in with, I think, the big picture of the destiny and basically the mandate of, or I should put it as the mantra of my office, a solar on every roof.

"This one actually says if you're going to build a new house starting in 2014, have it fitted for photovoltaic, not as it is now, retrofitted. This is prospective for fitting it out. This like the other mandating of solar water heating, this will now take us to photovoltaic. I think this is exemplary.

"However, Mr. Speaker, my disappointment is that we didn't pass the bill that floated bonds to get the upfront money to get the rest of the 75% of the houses that have neither solar water heating, or photovoltaic. This is a step in the right direction, but I think we're going to have to have the political will to say, 'Yes, we are going to take full advantage of our renewable energy potential.' We are still kind of giving it lip service and not serious consideration. This is a good step in the direction, but in terms of the small guy who doesn't have the funds, we need to get solar on every roof for them also. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 181, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Har being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1044) recommending that S.B. No. 1295, SD 1, 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 S.B. No. 1295, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. I just think we need to move ahead with addressing the global warming situation as fast as we can. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1295, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1045) recommending that S.B. No. 155, SD 2, 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 S.B. No. 155, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1046) recommending that S.B. No. 1279, SD 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 S.B. No. 1279, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto 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 Committees was adopted and S.B. No. 1279, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1047) recommending that S.B. No. 52, SD 1, 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 S.B. No. 52, SD 1, 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. Mr. Speaker, imagine that you're out with your family during the day and you use a public restroom. That night you return home and find images of your children utilizing a restroom on YouTube. This measure will help protect our youth, our most vulnerable, from the prying eyes. With technology the way it is today, microscopic cameras can be placed almost anywhere.

"During the Committee hearing, we heard testimony from a woman whose ex-husband had videotaped her step-daughters secretly. They were ages 14 and 16. They should be treated just like any other sex offender and be put on this registry. So I am in strong support of this, and I hope that it gets proper attention. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 52, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1048) recommending that S.B. No. 1073, SD 2, 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 S.B. No. 1073, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I have objections to this particular measure and will be voting no. This calls for fee increases which I think are rather large, and I think it hits primarily small businesses. Certain filings in Circuit and Appellate Court will increase by first, \$25; and then on January 2014, to an additional \$15. And then surcharges in the District Court will increase by \$15; and then in 2014 an additional \$10.

"The money will go to fund an Indigent Legal Services Special Fund and probably for the benefit of Legal Aid Society of Hawaii, which is a very meritorious group. They must find some way to keep alive and viable. But I would much prefer a grant-in-aid rather than establishing a special-funded program. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a potential conflict. I serve on the Board of Directors for Legal Aid. 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 S.B. No. 1073, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Cabanilla and Har being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1049) recommending that S.B. No. 714, SD 1, 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 Committee was adopted and S.B. No. 714, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1050) recommending that S.B. No. 573, SD 2, 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 S.B. No. 573, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1051) recommending that S.B. No. 815, SD 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 S.B. No. 815, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with slight reservations on Stand. Com. Rep. No. 1051. I downgraded it from a no vote because this is the Kahoolawe forfeit

anything that flies, floats, or otherwise is equipment that gets close to Kahoolawe. Which is good. We have to protect Kahoolawe.

"However, I think it's a bit of an overkill when we have people who are breaking the law in the seas feeding sharks and having a slap on the wrist. Whereas if you get near or close to Kahoolawe you get, as there was a helicopter that landed there the other day, now it says even helicopters are going to be confiscated.

"And I guess I'm sending a subliminal message to those who didn't want to have those who give shark tours to pay other than \$100 for chumming, because it's a huge problem. It's something that we're neglecting, but yet we're giving great credence to people who I think in the last 12 months had maybe two instances of people infringing upon Kahoolawe. So for those reasons, Mr. Speaker, this is a good bill, but it's an overkill compared to what we're doing with other laws of the sea. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of the measure. Thank you. There are now websites talking about secret places to visit and there's another measure that's going through to try to address that. But the problem is if Kahoolawe is one of these really exclusive secret places to visit and it's encouraging people to go there illegally, there could be very dangerous consequences.

"I think we have to be very strong in protecting that island and protecting the ability to go onto the island only if you're with a guided group. Because there still is unexploded ordnance, and more than that, the island is very important to the Hawaiian community. So I do support this measure. I think it sends out a very clear signal and we would hope it would stop any of those travel sites from saying, 'Oh we've got a secret place for you to visit.' Thank you."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I am in strong support of this measure, however I do have a slight reservation. My record on Kahoolawe has been very clear, both in my past votes, as well as supporting legislation a few years ago to amend the procurement code to allow them to get the necessities easier.

"However what worries me about the bill or concerns me about the way it's written is, there's no reflection of a mental state at all. And it appears to be strict liability in that all you need to do is inadvertently cross into the boundaries or territories of the Kahoolawe Reserve and be subjected to a forfeiture rule.

"I completely understand what the previous Representative from Kailua is saying and I agree with her, that for those who are intentionally or even recklessly doing this, then forfeiture should be allowed as a tool. However to not have those mental states included where one could theoretically be subjected to the forfeiture either by complete inadvertence or accident, it just seems a little bit harsh and could have some unintended consequences.

"And therefore I just hope that when it moves to the next Committee that maybe the discussion could take place on this issue to see if there's a way to ensure that those who are the bad actors, those who are imposing harm are punished with appropriate tools like this. But those who may inadvertently or accidentally, either through emergency or some other action, not be subjected to such a harsh penalty right off the bat. Thank you."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I request a ruling on a potential conflict. I formerly sat on the Commission, and I've represented clients before the Commission on administrative proceedings," 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. 815, SD 1, entitled: "A BILL

FOR AN ACT RELATING TO ASSET FORFEITURE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1052) recommending that S.B. No. 285, SD 2, 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 S.B. No. 285, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Herkes rose to speak in support of the measure, stating:

"I'm in very strong support. This deals with the mobile medical van that we've been trying to get in Kona for eight years. This deals with getting telemedicine and things of that nature. And just for the record, if we had that van in operation on the day of the tsunami, it would have provided very valuable support. So I hope that we can keep moving on this. The management of Kona Hospital changes, it seems like every 30 days, and so I hope that the new head of HHSC will be a strong supporter of the mobile medical van which is supposed to be here in August. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 285, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1053) recommending that S.B. No. 1300, SD 2, 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 S.B. No. 1300, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1054) recommending that S.B. No. 797, SD 1, 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 S.B. No. 797, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1055) recommending that S.B. No. 34, 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. 34, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1056), recommending that H.R. No. 38, 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.

38, HD 1, 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 Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1057), recommending that H.C.R. No. 44, 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. 44, HD 1, 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 Finance, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1058), recommending that H.C.R. No. 5, as amended in HD 1, 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. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON WHETHER THE GOALS AND OBJECTIVES OF HAWAII'S SEX OFFENDER LAWS ARE BEING MET AND WHETHER SEX OFFENDER LAWS ARE BEING IMPLEMENTED IN THE WAY THEY WERE INTENDED," was referred to the Committee on Judiciary, with Representatives Cabanilla and Har being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1059), recommending that H.C.R. No. 46, 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. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO ADOPT POLICIES THAT REDUCE THE HARM CAUSED BY THE SALE AND DISPLAY OF TOBACCO," was referred to the Committee on Finance, with Representatives Cabanilla and Har being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Cabanilla and Har were excused.)

THIRD READING

S.B. No. 123, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 123, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla and Har being excused.

At 1:04 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 123, SD 1

ANNOUNCEMENTS

At 1:05 o'clock p.m. Representative Rhoads requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock p.m.

Representative Rhoads, for the Committee on Judiciary and the Committee on Consumer Protection and Commerce requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 595, SD 2, on Wednesday, March 23, at 2:15 p.m. in Conference Room 325, and the Chair "so ordered."

"SB 595, SD 2 is establishing a tax credit equal to 10% of the amount of medical malpractice insurance premium paid by a physician or clinic if they're located in rural area."

Representative Evans: "Thank you, Mr. Speaker, I would like to announce to my colleagues that we're having a reception for those who came with exhibits that were up on the third floor today for our 9th annual Historic Preservation Awareness Day. Governor Abercrombie will be stopping by. The reception is from 1:00 to 2:00 and we invite all our legislators to attend. Thank you."

Representative Ward: "Mr. Speaker, as most of the Members know, I have an intern from Japan. He's been giving updates from his family and friends, and he shocked us all by announcing that a package of batteries was hundreds of dollars. The latest update is that the government has intervened with releasing of petroleum reserves because there's no electricity. Batteries were the only source. And Panasonic has just given 500,000 batteries free to those in need of that.

"So things are stabilizing, and now for only \$46 you can buy a package of eight AA batteries. So the price is down, it's stable, and I think Japan is recovering. We are still collecting batteries in Room 318 and we are greatly appreciative of people's gifts and prayers for Japan as they go through this troubling time. Thank you, Mr. Speaker."

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B. No.

Re-referred to:

1522,
SD2,
HD1

Committee on Economic Revitalization & Business, then to the Committee on Finance

ADJOURNMENT

At 1:08 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, Wednesday, March 23, 2011. (Representatives Cabanilla and Har were excused.)

THIRTY-SIXTH DAY

Wednesday, March 23, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:10 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives McKelvey, M. Oshiro and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 187) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 187, dated March 9, 2011, transmitting the 2010 Report of the Commission to Promote Uniform Legislation, prepared by the Department of the Attorney General.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Luke introduced friends and former pastor, Mr. James and Mrs. Jody White, and their son, Mr. Ezra White with the Abunai 95 Soccer team.

Representative Luke also welcomed former Representative Eric Hamakawa.

Representative Chang introduced Big Island Councilman, Dennis 'Fresh' Onishi.

Representative Aquino recognized the men and women of the Hawaii State Sheriff Division celebrating their 165th Anniversary, and thanked them for their leadership, professionalism and dedication to the safety of our State.

Representative Aquino then introduced the following individuals representing the Sheriffs and the Department of Public Safety:

Acting Sheriff Mr. Shawn Tsuha, and his wife, Mrs. Dahlia Tsuha; Former State Sheriff Mr. John Lum, his wife, Mrs. Karen Lum and son and daughter-in-law, Mr. Joe and Mrs. Jaylene Lum; and Former State Sheriff Mr. Charles Lacaden, his wife, Mrs. Barbara Lacaden, and son, Mr. Frank Lacaden.

Ms. Jodie Maesaka-Hirata, Department of Public Safety Director; and Mr. Keith Kamita, Department of Public Safety Deputy Director of Law Enforcement.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 291) was announced by the Clerk and the following action taken:

H.R. No. 291, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING THE PEACE CORPS ON ITS 50TH ANNIVERSARY," was jointly offered by Representatives Nakashima and Ward.

Representative Nakashima moved that H.R. No. 291 be adopted, seconded by Representative Ward.

Representative Nakashima congratulated the Peace Corps on 50 years of service, and recognized Hawaii's early involvement with the Peace Corps.

Representative Nakashima then introduced Mr. Kiyoshi Hamakawa who was seated on the Floor of the House, former educator with the Department of Education in Hilo who helped establish the first training center in Hilo.

Representative Nakashima then introduced Mr. Hanakawa's family who were seated in the gallery:

Wife, Mrs. Mikako Hamakawa;
Children, Mr. Bruce Hamakawa and Ms. Donna Paulachak;
Sister, Ms. Sue Blackwood; and
Nieces, Ms. Linda Bodey and Ms. Jean Hamakawa.

Representative Ward also commended the Peace Corps, its volunteers and staff for their service to humanity and for promoting the human value and personal worth of every person you meet.

Representative Ward then introduced the other honorees seated on the Floor of the House:

Ms. Kimberly Biggs, former volunteer in Honduras and current President of the Returned Peace Corps Volunteers of Hawaii;

Mr. Phil Olson, former volunteer in the Philippines, and former head of the UH Peace Corps training programs, statewide;

Mrs. Mary Matayoshi, former staff member of the Peace Corps Training Center and responsible for placement of volunteers; and

Ms. Corie Tanida, recent volunteer in El Salvador and current staff member of the Senate Ways and Means Committee.

Representative Ward then introduced other former Peace Corps volunteers and staff who were seated in the gallery:

Ms. Linda Chock, former volunteer in the Northern Mariana Islands, Micronesia; and

Ms. Ethel Aiko Oda, former training staff psychologist in Hilo, and her husband, Mr. Daniel Anderson.

The motion was put to vote by the Chair and carried, and H.R. No. 291 was adopted, with Representatives Awana and McKelvey being excused.

The following resolution (H.R. No. 292) was announced by the Clerk and the following action taken:

H.R. No. 292, entitled: "HOUSE RESOLUTION RECOGNIZING THE ABUNAI 95 BOYS SOCCER TEAM," was jointly offered by Representatives M. Lee and Yamane.

Representative M. Lee moved that H.R. No. 292 be adopted, seconded by Representative Yamane.

Representative M. Lee congratulated the Abunai 95 Boys Soccer Team for winning the 2010 US Club Soccer National Cup Championship held in Virginia Beach, Virginia, and introduced the honorees seated on the Floor of the House:

Coach Darrin Goo, Director of Coaching at the Abunai Soccer Academy;

Ms. Aundrea Toner, Head Coach of Abunai 95;

Ms. Jensen Toner, midfielder/forward and sophomore at Punahou School;

Mr. Jake Sagami, defender/midfielder and junior at Mililani High School; and

Mr. Jarin Morikawa, goal keeper and sophomore at Mililani High School.

Representative M. Lee also recognized team members, coaches and family sitting in the gallery:

Team Members:

Mr. Guy KJ Ahlo;
Mr. Micah Cabagbag;
Mr. Zachary Carvalho;
Mr. Matthew Fronda;
Mr. Leo Klink;
Mr. Tyler Matas;
Mr. Cameron Metz;
Mr. Andrew Momohara;
Mr. Kazuto Moribe;
Mr. Kouri Nago;
Mr. Renato Torquato; and
Mr. Ezra White.

Team Coach, Mr. Jon Morikawa; Manager, Ms. Julie Sagami; and water boy, Mr. Jet Toner.

Abunai Soccer Academy President, Mr. Randy Prothero; and family and friends of Abunai 95.

Representative Yamane also congratulated the Abunai 95 soccer team and thanked them for inspiring others with their winning spirit, and for representing the town of Mililani well.

The motion was put to vote by the Chair and carried, and H.R. No. 292 was adopted, with Representatives Belatti, Chang and McKelvey being excused.

At 12:37 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1060) recommending that S.B. No. 238, SD 2, 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 S.B. No. 238, SD 2, 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 Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1061) recommending that S.B. No. 243, SD 2, 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 S.B. No. 243, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1062) recommending that S.B.

No. 244, 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 S.B. No. 244, 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 Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1063) recommending that S.B. No. 675, SD 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 S.B. No. 675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1064) recommending that S.B. No. 809, SD 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 S.B. No. 809, SD 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 Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1065) recommending that S.B. No. 814, SD 2, 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 S.B. No. 814, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1066) recommending that S.B. No. 1331, SD 2, 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 S.B. No. 1331, SD 2, 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 Belatti, Chang and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1067) recommending that S.B. No. 1386, SD 1, 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 S.B. No. 1386, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1068)

recommending that S.B. No. 165, SD 2, 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 S.B. No. 165, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in favor of Stand. Com. Rep. No. 1068. How many people have heard of the Pacific International Space Alliance? I'm impressed some people have heard of the Pacific International Space Alliance known in brevity for its abbreviation, PISA. That is something that this bill will help launch. It will help us reach out. And Mr. Speaker, this bill is a winner in pushing the economic boundaries of our State basically, internationally. Because of this, all the countries of the Pacific are going to be invited. I think there are six countries already in PISA.

"It's the courtship now that Washington, i.e. NASA has with the State of Hawaii. If we pass this bill and then make the zero turn into hopefully having three, to four, to five, or six zeros, or even seven will make it impressive. Then NASA will know that we're really serious because they are in love with Mauna Kea.

"And if there's an international laboratory that fits the future of space it's the State of Hawaii. So, Mr. Speaker, it's a beginning kick-start of our potential in space. What I'm saying is not out of this world, but that's where it's going. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 165, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1069) recommending that S.B. No. 757, SD 2, 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 S.B. No. 757, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1070) recommending that S.B. No. 112, SD 1, 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 S.B. No. 112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1071) recommending that S.B. No. 758, SD 1, 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 S.B. No. 758, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1072)

recommending that S.B. No. 81, 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 S.B. No. 81, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representatives Rhoads and Aquino, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1073) recommending that S.B. No. 1065, SD 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 S.B. No. 1065, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1074) recommending that S.B. No. 1040, SD 1, 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 S.B. No. 1040, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I stand with reservations on this measure. I'm just concerned about the fines being excessive and the affect that that will have on businesses here in Hawaii. That's my reservation, sir. Thank you."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Also with reservations. If the fines go higher than 10%, I will vote no. Thank you."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. Can I please get a ruling on a potential conflict? In my law firm I do represent contractors and subcontractors," and the Chair ruled, "no conflict."

Representative Har then 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 S.B. No. 1040, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1075) recommending that S.B. No. 1078, SD 2, 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 S.B. No. 1078, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Thank you. I think before I state my reservations which are twofold, I would like to start off by recognizing the intent of the measure. I think all of us in this Body recognize that the EUTF is not functioning in an optimal way, both for the employer and for the worker. So I'm aware of the dysfunction.

"I think principally my concerns with this bill as it's presently drafted, are mostly for the worker. First, because of the current structure of the EUTF and the current problems that are there, I worry that by adding EUTF benefits to the collective bargaining process we may actually exacerbate the ability to arrive at quality and affordable healthcare for our workers. So I don't know that we'll arrive at the intended outcome. In fact, we may engender the exact opposite.

"Additionally, given the budget constraints and where we are in terms of the State position, I worry that this bill also compromises the Governor, and therein the Executive Branch's ability to manage costs, which has an impact for the entire State.

"So it's for those reasons that I would ask that we just continue to take a look at this as it moves forward in Committee recognizing that this may not be a panacea to the problems that we acknowledge exist with the EUTF right now. Thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Johanson be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward 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 S.B. No. 1078, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1076) recommending that S.B. No. 145, SD 2, 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 S.B. No. 145, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 S.B. No. 145, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1077) recommending that S.B. No. 249, SD 2, 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 S.B. No. 249, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 S.B. No. 249, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1078) recommending that S.B. No. 281, SD 2, 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 S.B. No. 281, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1079) recommending that S.B. No. 1153, SD 1, 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 S.B. No. 1153, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representatives Souki and Chang, for the Committee on Transportation and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1080) recommending that S.B. No. 1247, SD 2, 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 S.B. No. 1247, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"Please note my reservations. Everybody knows that Aloha Tower sits on public land and there was no referral of this bill to the Committee on Hawaiian Affairs. Thank you."

Representative Wooley 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 Committees was adopted and S.B. No. 1247, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER

DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1081) recommending that S.B. No. 725, SD 2, 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 S.B. No. 725, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Mr. Speaker, this solid waste fee really hurts the environment. I mean, it literally hurts the environment because it disincentivizes taking waste and creating energy. We should be incentivizing anybody who produces energy and gets us away from fossil fuel. Instead this puts the price of doing business even higher. I know the budget is precarious, and I know that there's an alternative budget that's going to be coming out from our side of the aisle which doesn't have this in here.

"This is not necessary. It's contrary to what, as I spoke of the other day, about putting solar photovoltaic on every roof and doing what we politically said we wanted to do, but we've got to put legs to those things. So we need to look at this very carefully when it goes to the Finance Committee and not just disincentivize people who take waste. It's not just any burning in an incinerator, or just getting rid of it. It's using for energy and that's so important and we have to preserve that. So I hope the next Committee will take that into consideration. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Ward 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. 725, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1082) recommending that S.B. No. 608, SD 2, 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 S.B. No. 608, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"Please note my reservations. This bill also pertains to public lands and this measure was not referred to the Committee on Hawaiian Affairs."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Lee rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takai 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 S.B. No. 608, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1083) recommending that S.B. No. 217, SD 2, 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 S.B. No. 217, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1084) recommending that S.B. No. 1108, SD 2, 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 S.B. No. 1108, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1085) recommending that S.B. No. 1025, SD 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 S.B. No. 1025, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1086) recommending that S.B. No. 883, SD 2, 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 S.B. No. 883, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, 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 rise in strong support of this measure. This measure is the companion to HB1 which I introduced this Session. HB1 and SB883 seek to designate a new special design Gold Star Family plate for children, parents, grandparents, spouses, and siblings of fallen soldiers.

"The gold star legacy is part of the traditions of our country which is traced back to WWI when an Army Capt. Robert Queissner of the 5th Ohio Infantry created the flags to honor his two sons serving on the front lines in 1917. The flags were quickly adopted by families with sons in the Army.

"With President Wilson's support the Council of National Defenses proposal permitting mothers who had lost a child serving in the war to wear a gold star on a black arm band while in mourning. The black arm band was exchanged for a small flag and the gold star was outlined in a thin blue outline signifying that the service member had died in battle. Service flags were widely used in World War II, as most families had at least one member serving in the military.

"The single most important aspect of the adoption of SB 883 will be this Body's declaration that the Gold Star License Plate represents a life that has been lost and to remind everyone that freedom is not free. What better way to honor the lives of all of our fallen warriors so that they will never be forgotten. This Body has a remarkable record of support for Hawaii's service members and their families.

"The Purple Heart, Combat Veteran, Pearl Harbor Survivor, Prisoner of War License Plate and the precedent-setting creation of the Hawaii State Medal of Honor, presented to the next of kin of those who died in the Iraq and Afghanistan wars, are just some of the ways we honor those who have served our country.

"This measure is simply about our society re-paying a huge debt of gratitude to the families of our servicemen and women who have given their lives for our freedoms. The very essence of our freedom to live in a free society is the direct result of the bravery by those whose heroic acts and deeds this license plate honors. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1087) recommending that S.B. No. 1484, SD 1, 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 Committee was adopted and S.B. No. 1484, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1088) recommending that S.B. No. 44, SD 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 S.B. No. 44, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1089) recommending that S.B. No. 1067, SD 1, 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 S.B. No. 1067, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1090) recommending that S.B. No. 49, SD 1, as amended in HD 1, pass Second Reading and 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 S.B. No. 49, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1091) recommending that S.B. No. 48, SD 1, 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 S.B. No. 48, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1092) recommending that S.B. No. 172, SD 2, 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 S.B. No. 172, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1093) recommending that S.B. No. 1358, SD 2, 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 S.B. No. 1358, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1094) recommending that S.B. No. 1357, SD 2, 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 S.B. No. 1357, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1095) recommending that S.B. No. 782, SD 2, 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 S.B. No. 782, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this measure. Thank you. I just wanted to point out to the Members that in fact, this bill is titled broadly, Relating to Dangerous Weapons, but actually it's dealing with the concussion bombs and those types of fireworks that we've been hearing for the past few years.

"And as you all know, APEC is coming this year in November. And one of the concerns that we had last year to address this was how are we going to eliminate these items which are not only dangerous, but also a huge concern for law enforcement and for the Secret Service as well.

"So as this measure goes along, just keep that in perspective. This is a very important measure for our law enforcement as we look towards APEC. But I think it's even more important for our communities as we address those items that don't fit within the definition of fireworks. Thank you, Mr. Speaker."

Representative M. Lee rose 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 stand in strong support of the measure. We have all been exposed to the ear splitting noise of homemade 'bombs.' Whether made with dry ice, explosive materials, or parts of other fireworks, these devices can not only hurt and terrorize citizens and animals, but can also be deadly to the maker. It can also have a negative effect on sufferers of Post Traumatic Stress Disorder (PTSD.)

"In addition, with the coming of the APEC summit, any device which could mimic gunfire or explosives would be a potential problem; and could lead to lots of negative publicity for the State. It could also lead to confusion and chaos.

"This bill which creates a distinct offense, and separate from offenses under Section 134-8 is needed, especially with the coming of APEC. I encourage the Members' support of this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 782, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1096) recommending that S.B. No. 173, SD 2, 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 S.B. No. 173, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1097) recommending that S.B. No. 11, SD 2, 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 S.B. No. 11, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF," passed Second Reading and was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1098) recommending that S.B. No. 1069, SD 1, 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 Committee be adopted, and that S.B. No. 1069, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker and Members of the House, I wish to speak with some reservations on this measure. While I abhor dog fighting and cruelty to animals, I believe the penalty for a spectator as a Class C felony is a bit too much. We as a Legislature in these past years, we seem to be in the habit of passing a lot of Class C felonies and other felonies, and this of course continues to fill the prison system.

"Now I understand that the argument that a Class C felony will not necessarily put a person in jail. You can get probation on a Class C felony, however with a Class C felony on the record you will have some difficulty in locating a job. You'll have difficulty in traveling. Your life will just change tremendously when you have a felony.

"And that has been my concern all these years when we, in a somewhat cavalier fashion, keep on establishing these felonies, and keep on sending people away to prison, or living at home with that felony for the rest of their life. I believe that a misdemeanor will more than suffice because you can get a year or more for being a spectator, and I think that in itself is a very heavy penalty. Thank you, very much."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, I'm going to quote a few facts here. Apparently Hawaii, and it's been getting some press, has the weakest laws in terms of dog fighting. It is ranked just about at the bottom for treatment of dogs, animals, and we're the Aloha State. But we've got APEC coming and we want to be all on the same page. But some people may say, 'Well what the heck does that have to do with APEC?'

"Well as a former elementary school teacher, I didn't put dogs in the same category as chickens. What we teach our children to do is be discerning individuals, and dogs serve. The horse can say and claim transportation. The cat can claim a rat or two and some comfort. But no animal serves like the dog. The dog has been in search and rescue missions. If you see the canine demonstrations on Keiki Day. And the dog more importantly embodies those things that we all should be proud of and we should be teaching our children. That's the interest I have in dogs. It's because I used to be an ESL elementary school teacher for ten years.

"And we cannot tell our people, our children just what not to do. We must tell them what they should be, too. We must tell them what to do. The dog for me represents a model, helpful, courageous, service oriented. I remember one colleague of mine saying, hey the pig has high IQ, and we eat pig. But the fact is that a pig trainer once told me there's a huge difference between a pig and a dog. The difference is the pig is geared towards only food. It's greedy for food. But the dog serves for the joy of serving, for serving for the pact. There are so many incidences where dogs have saved lives, have been known to go over a child's body to save it from attack killer bees. It goes on, and on, and on. I don't need to go on.

"Over 40% of Oahu households have dogs. So that's where I'm concerned. What an interesting conflict. 40% of our households have dogs, but we're ranked lowest in the US practically in the way we treat dogs.

"Symbols are important, Mr. Speaker. It's my belief that symbols are important. There are symbols all around us. The dog serves as a symbol of help like the St. Bernard that save lives in the snow. It served in the

military. A dog was honored on the Congressional Floor. And these are the things that we want to tell our children are important. And as a State, I think these are things we stand for.

"So once again, maybe you might think that connection between APEC and this is not very strong, but I'll tell you something. We need to know what we stand for so that people know who we are, and then we attract the right people, and we attract respect to our State. 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. 1069, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1099), recommending that H.R. No. 54, as amended in HD 1, 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. 54, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO CONTINUE TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1100), recommending that H.C.R. No. 61, as amended in HD 1, 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. 61, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONTINUE TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE," was referred to the Committee on Judiciary, with Representatives Belatti, Chang and Tokioka being excused.

Representatives Souki and Chang, for the Committee on Transportation and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1101), recommending that H.R. No. 95, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1102), recommending that H.C.R. No. 104, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 95, HD 1; and H.C.R. No. 104, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm standing with reservations on both Stand. Com. Rep. Nos. 1101 and 1102 because these bills have Hawaiian Affairs concerns, fishponds and public lands, and these measures were never sent to the Committee on Hawaiian Affairs. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 95, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY

REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALUA BAY," was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused; and

H.C.R. No. 104, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALUA BAY," was referred to the Committee on Finance, with Representatives Belatti, Chang and Tokioka being excused.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. No.

Re-referred to:

140 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

H.C.R. No.

Re-referred to:

161 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

S.B. Nos.

Re-referred to:

27, SD1 Committee on Consumer Protection & Commerce

590, SD1, HD1 Committee on Economic Revitalization & Business, then to the Committee on Finance

671, SD2 Committee on Judiciary

946, SD1 Committee on Judiciary

ADJOURNMENT

At 1:06 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, March 24, 2011. (Representatives Belatti, Chang and Tokioka were excused.)

THIRTY-SEVENTH DAY

Thursday, March 24, 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 Awana, Ching, Har, Ito, Mizuno, M. Oshiro, Riviere and Wooley, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Sixth Day was deferred.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 377) was received and announced by the Clerk:

Sen. Com. No. 377, transmitting S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2011 AS RONALD REAGAN DAY IN HONOR OF THE CENTENNIAL ANNIVERSARY OF HIS BIRTH," which was adopted by the Senate on March 23, 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Takai introduced to the Body, Lt. Gen Benjamin Mixon, retiring Commanding General of the US Pacific Command, and commended him for his distinguished service to our Country and the State. He was accompanied by his wife, Mrs. Rhonda Mixon, and his children, Ms. Ashlee Mixon Holbein and Ms. Adrienne Blair Mixon.

Representative Rhoads introduced his friend, Mr. Frank Cho.

Representative McKelvey introduced members of the newly formed Hawaii Professional Football League (HPFL):

Mr. Carson Peapealalo, HPFL President and Commissioner;
Mr. Tony Lorenzo, HPFL Director of Administration;
Ms. Monica Roberts, HPFL Media and Promotions Director;
Mr. Dave 'Pops' Zavas, Sr., HPFL Director of Operations; and
Team members and representatives of the Kailua Storm, Koolau Hurricanes, Waianae Sharks and the Honolulu Volcanoes.

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 12:44 o'clock p.m. with the Speaker presiding.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1103) recommending that S.B. No. 289, SD 2, 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 S.B. No. 289, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1104) recommending that S.B. No. 931, SD 2, 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 S.B. No. 931, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1105) recommending that S.B. No. 1173, SD 2, 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 S.B. No. 1173, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MATCHING GRANTS FOR SPACE EDUCATION PROGRAMMING SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1106) recommending that S.B. No. 605, SD 2, 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 S.B. No. 605, SD 2, HD 1, pass Second Reading and 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, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen 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 S.B. No. 605, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1107) recommending that S.B. No. 1174, SD 2, 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 S.B. No. 1174, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1108) recommending that S.B. No. 1282, SD 1, 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 S.B. No. 1282, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1109) recommending that S.B. No. 1325, SD 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 S.B. No. 1325, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Riviere and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1110) recommending that S.B. No. 1324, SD 2, 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 S.B. No. 1324, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1324, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine, Thielen and Ward voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1111) recommending that S.B. No. 1328, SD 1, 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 S.B. No. 1328, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, a no vote on 1111. I think the increase is excessive. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1328, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Ching, Fontaine, Johanson, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1112) recommending that S.B. No. 824, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 824, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Har, Riviere and Wooley being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1113) recommending that S.B. No. 1154, SD 2, 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 S.B. No. 1154, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 S.B. No. 1154, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Chang and Coffman, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1114) recommending that S.B. No. 1219, SD 2, 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 S.B. No. 1219, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"Please note my reservations. These include public lands and there was no referral to the Hawaiian Affairs Committee."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1219, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANAI WATERSHED," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Chang and Coffman, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1115) recommending that S.B. No. 1220, SD 2, 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 S.B. No. 1220, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"This measure concerns submerged lands and wasn't referred to Hawaiian Affairs. Thank you."

Representative Jordan 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 Committees was adopted and S.B. No. 1220, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Chang and Coffman, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1116) recommending that S.B. No. 1311, SD 2, 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 S.B. No. 1311, SD 2, 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 Har, Riviere and Wooley being excused.

Representatives Chang and Tsuji, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1117) recommending that S.B. No. 1511, SD 1, 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 S.B. No. 1511, SD 1, HD 1, pass Second Reading and 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 Belatti rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Please note my reservations and if I could make just a few short comments. My reservations are based upon the opposition of the Department of Land and Natural Resources. Our waters, including our ocean waters, are like our public lands. We have a public trust duty to these properties, and I think that the course charted by the Department of Land and Natural Resources to look at a 45-year lease instead of 65-year lease is something that is a well-balanced approach. Thank you, Mr. Speaker."

Representative Carroll rose in support of the measure with reservations and asked that her written remarks and the remarks of Representative Belatti be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Carroll's written remarks are as follows:

"I would like to express my reservations to SB 1511, SD1, HD1, which would extend the maximum lease terms for all aquaculture operations from thirty-five to sixty-five years. Although I support creating opportunities to promote aquaculture development within the State of Hawaii, there are some extenuating factors that might be problematic if this measure passes and therefore must be considered with greater attention. These reservations are primarily from the testimony offered by the Department of Land and

Natural Resources, the Department of Agriculture, and the Food & Water Watch.

"Currently there are large-scale aquaculture operations, such as commercial finfish open ocean cages that are still highly experimental, and long-term lease extensions could end up costing the State more in oversight and enforcement costs than it would receive in lease payments. Furthermore, we do have sufficient regulations in place that would address the cumulative impacts from this highly experimental industry. Rather than further entrenching this industry through lease extensions, we should take a more precautionary approach until these issues are adequately addressed. In addition, while this bill would provide a benefit to aquaculture operations, it does so at the expense of ensuring fair competition for the leasing of public lands by excluding other potential bidders seeking to participate in the public disposition process. Many prospective bidders might be reluctant to invest the substantial time, energy, costs, and other resources to prepare and submit a bid knowing that the existing lessee could have the power to nullify the bid at any time. It is for the abovementioned reasons that I have my reservations to SB 1511, SD1, HD1."

Representative Hanohano rose to speak in support of the measure with reservations, stating:

"Note my reservations. This is a public lands issue and there was no referral to the Committee on Hawaiian Affairs."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1511, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Chang and Brower, for the Committee on Water, Land, & Ocean Resources and the Committee on Tourism presented a report (Stand. Com. Rep. No. 1118) recommending that S.B. No. 1530, SD 1, 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 S.B. No. 1530, SD 1, HD 1, pass Second Reading and 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 Committees was adopted and S.B. No. 1530, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Coffman and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1119) recommending that S.B. No. 1363, SD 2, 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 S.B. No. 1363, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I will be voting on Stand. Com. Rep. No. 1119 with reservations even though the environmental concerns are worthy. My groceries cost enough already. Thank you."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Brower rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations and just a short comment. In my opinion, the real leaders of the environmental movement are the stores like Costco and Sam's Club. They charge no tax on bags, and they don't offer bags. And they stay in business very well. Thank you."

At 12:50 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 12:51 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1363, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Coffman and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1120) recommending that S.B. No. 772, SD 2, 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 S.B. No. 772, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Coffman and Souki, for the Committee on Energy & Environmental Protection and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1121) recommending that S.B. No. 698, SD 2, 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 S.B. No. 698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Aquino and Rhoads, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1122) recommending that S.B. No. 742, SD 2, 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 S.B. No. 742, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Aquino and Rhoads, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1123) recommending that S.B. No. 45, 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 S.B. No. 45, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1124) recommending that S.B. No. 99, SD 2, 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 S.B. No. 99, SD 2, 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:

"I just want to note my reservations on this. It does increase the number of Commissioners to the PUC from three to five, and I'm just concerned about increasing costs of our government at a time when we're trying to find cuts."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 99, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1125) recommending that S.B. No. 1161, SD 1, HD 1, as amended in HD 2, 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 S.B. No. 1161, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1126) recommending that S.B. No. 298, SD 3, HD 1, as amended in HD 2, 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 S.B. No. 298, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1127) recommending that S.B. No. 1453, SD 2, 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 S.B. No. 1453, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1128) recommending that S.B. No. 1233, SD 2, 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 S.B. No. 1233, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1129) recommending that S.B.

No. 1277, SD 2, 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 S.B. No. 1277, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1130) recommending that S.B. No. 1278, SD 1, 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 S.B. No. 1278, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1131) recommending that S.B. No. 1079, SD 2, 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 S.B. No. 1079, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1079, SD 2, 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 Har, Riviere 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. 1132) recommending that S.B. No. 14, SD 2, 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 S.B. No. 14, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere 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. 1133) recommending that S.B. No. 1393, SD 2, 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 S.B. No. 1393, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere 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. 1134) recommending that S.B. No. 1559, SD 2, 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 Committees be adopted, and that S.B. No. 1559, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

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 Committees was adopted and S.B. No. 1559, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1135) recommending that S.B. No. 810, SD 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 S.B. No. 810, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1136) recommending that S.B. No. 1284, SD 2, 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 S.B. No. 1284, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1137) recommending that S.B. No. 1383, SD 2, 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 S.B. No. 1383, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1138) recommending that S.B. No. 1487, SD 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 S.B. No. 1487, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1139) recommending that S.B. No. 1503, SD 2, 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 S.B. No. 1503, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives McKelvey and Coffman, for the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1140) recommending that S.B. No. 745, SD 2, 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 S.B. No. 745, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives McKelvey and Coffman, for the Committee on Economic Revitalization & Business and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1141) recommending that S.B. No. 1164, SD 2, 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 S.B. No. 1164, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives McKelvey and Hanohano, for the Committee on Economic Revitalization & Business and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1142) recommending that S.B. No. 283, SD 1, 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 S.B. No. 283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1143) recommending that S.B. No. 753, SD 2, 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 S.B. No. 753, SD 2, 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 Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1144) recommending that S.B. No. 752, SD 2, 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 S.B. No. 752, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker. I just wanted to cast a no vote on this. What this bill basically does is it adds a lot of surcharges spread out through all different departments in order to fund different areas in DBEDT, and I find that quite concerning."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching 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 Committee was adopted and S.B. No. 752, SD 2, 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 Ching, Fontaine, Johanson, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1145) recommending that S.B. No. 975, SD 1, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 975, SD 1, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 975, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Belatti voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1146) recommending that S.B. No. 1496, SD 1, 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 S.B. No. 1496, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1147) recommending that S.B. No. 1355, SD 1, 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 S.B. No. 1355, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen 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 S.B. No. 1355, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1148) recommending that S.B. No. 777, SD 1, as amended in HD 1, pass Second Reading and 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 S.B. No. 777, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES," passed Second Reading and was referred to the Committee on Legislative Management, with Representatives Har, Riviere and Wooley being excused.

Representatives Chang and Cabanilla, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1149) recommending that S.B. No. 1241, SD 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 S.B. No. 1241, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Coffman and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1150) recommending that S.B. No. 367, SD 3, 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 S.B. No. 367, SD 3, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against Senate Bill 367, which is the wind cable bill. Mr. Speaker, I'd like to just state a couple of things about this for Members to think about. There was a very interesting Letter to the Editor in today's paper by a Roy Kamisato from Honolulu, and I quote him:

It looks like Hawaiian Electric Company wants its ratepayers to pay for the cost of building the undersea cable from Lanai and Molokai. This plan will allow HECO to make a profit off the undersea cable.

Why not have the taxpayers who are taking all the risk anyway, pay for the undersea cable and charge HECO rent for the use and maintenance of the cable.

The current plan sounds like the underwater oil drilling arrangement the federal government has with the oil companies. The federal government subsidizes the drilling for the oil companies, the oil companies then sell the oil on federal property, which is owned by the taxpayers, and keeps most of the profits. How is this fair?

"I think he raises a very good idea. And more than that, Mr. Speaker, I would like to raise the concerns because the legislation puts all cost for the cable on the ratepayer. I have a op-ed that appeared interestingly enough, in today's newspaper. The Members can read it in the *Star-Advertiser*, but I also would like permission to have it inserted into the Journal. Thank you.

"Mr. Speaker, it's very telling that the new Chair of the Public Utilities Commission, Mina Morita submitted this testimony to the Joint Energy & Environmental Protection, and Consumer Protection & Commerce Committees on March 21st, 2011. In her testimony she states, 'The Commission is still concerned that a certain amount of the potential risk to ratepayers which may be unavoidable will continue to exist if a project of this magnitude goes forward.

"You know, that's interesting because it was her bill. It was amended as it went through the process, but it was her bill. And there is a serious risk to the ratepayer. If the project doesn't succeed, the ratepayers pay. If the project succeeds, the ratepayers pay.

"We're talking between \$500 million, to a billion dollars for this project. You add that to the rail project which is in the multi-billions and you stop to say, 'Wait a minute. What can the people of Hawaii manage to handle?' And unfortunately it's the people on this island that are going to bear the brunt of this. We pay for the rail tax, the added 0.5% GET. The cable cost will come in at some significant amount and your existing bills from Hawaiian Electric certainly will go up. I think people are charged around 18 or 19 cents a kilowatt hour at this point on Oahu. It's more on the Neighbor Islands and I sympathize with them. But that's going to go up according to Hawaiian Electric's own testimony, to 22 or 23 cents a kilowatt hour. That's if everything works out as it should work out.

"I think that the problem with not having a real economic analysis for this project before we vote on setting up the regulatory system puts the cart before the horse. We're saying, 'Too bad ratepayers. You're going to pay 100% of it.' The shareholders of Hawaiian Electric don't bare any of the risks and wouldn't you like to have an investment like that, Mr. Speaker, where you don't have any risk you only have profit. And if the deal fails, no risk. You recover all your money. I mean, I don't know anywhere in the business world where that kind of a sweetheart deal exists."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Thielen continued, stating:

"Thank you. Speaker Emeritus will now be able to let me go on speaking without trying to interrupt me, like last time.

"Mr. Speaker, when you just take a look at this. You're a businessman. You know how business works. You know as a small business person that you take certain risks. If those things don't work out, then your bottom line suffers. And maybe you don't even make costs during that year. But we're setting up a regulatory process to let Hawaiian Electric have a system that, whether the undersea cable works and can go into operation or it doesn't, their cost in establishing their land-based system to be able to take in that power are borne 100% by the ratepayer. It's just the wrong way to go.

"And then the major problem is that we don't really know what this will cost. When Hawaiian Electric comes before us in the Committee and testifies, they're sort of all over the ball park because they don't know what this whole thing will cost. And you can't leave the undersea cable in a vacuum because the ratepayers are going to have to pick up that cost too. We don't know what the whole thing is going to cost and yet we're setting up a regulatory process that says we don't care what it will cost. The

ratepayer will cover 100%, and shareholders - you're protected. That's just amazing to me and it's amazingly wrong, Mr. Speaker. Thank you."

Representative Thielen's written remarks are as follows:

"Proposed Legislation Puts All Costs for Cable on Ratepayer

Honolulu- If the majority of the lawmakers and Hawaiian Electric Company get their way under SB 367, the bill designed to finance an interisland cable, the Oahu ratepayer will be solely responsible for the cost of the project, predicted to cost somewhere between \$500 million to \$1 billion. An editorial in Sunday's edition indicated otherwise.

SB 367 contains several astonishing entitlements. It allows the utility to recover the full cost of the interisland cable and on-island infrastructure no matter what the outcome. Once approved by the Public Utilities Commission, these costs would be applied to the ratepayer in the form of an automatic rate adjustment, seen as an added surcharge on everyone's bill until the project is paid in full. The cost includes every conceivable expense, from predevelopment through commercial operations, and even includes a guarantee rate of return for the utility and its lucky shareholders. This boon applies to the utility no matter what degree of success the project has. Even if the cable is unsuccessful or plagued by problems, the utility will still recoup all its expenses, from planning to operations with a profit to boot.

Proponents of the bill argue that SB 367 is "just establishing a regulator structure." True enough, and this regulatory structure will change the way the utility does business, forever. Proponents also argue that the risk is very small that the project will not succeed. But if the risk is so small, why are HECO and DBEDT so determined to pass all the costs to all of us? Proponents argue that the only way to make the cable happen is to take all of the risk out of the project. But is this truly the only way? And if the ratepayer must foot the bill, why aren't they entitled to a part of the profits as well?

Almost everyone agrees that Hawaii must wean itself from imported oil before it is too late, but the question is how. Perhaps the only possible way for Hawaii to move forward is for the ratepayer to foot the entire bill for a massive wind project, and that it is too much to ask the utility to take any of the risk. But if this is true, it seems only prudent, only fair, that before the ratepayer agrees to pay for the cable, we would know the cost. The likely response? The utility can't tell us the cost until we agree to pay for it."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I know our State is very committed to renewable energy and looking for alternatives. I believe differently from the previous speaker. This bill is about establishing a regulatory structure under which the Public Utilities Commission can certify a cable company to commercially develop, finance and construct an interisland high voltage electric transmission cable system to transmit clean, renewable energy in the State. I see that as potentially, a cable between many islands across the State.

"Yes, there is one that we know is being considered, but there's other channels. There's other islands. I do know that when we looked at photovoltaic and seawater air conditioning there were a lot of ideas floated... Biofuel, biomass, energy, waste to energy. There's all these different technologies being considered. At this point, I know that we regulate so much in this State, and I believe that once this framework is established, if there is someone who comes to the table to propose something, There will be a lot of processes and regulatory framework in addition to this, and that hopefully is there to protect us. Thank you, Mr. Speaker."

Representative Hanohano rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Keith-Agaran rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, in opposition with some comments. I think we all here can agree with the Majority Floor Leader, that we are very supportive of renewable energy projects. The concern is, and what is hard to take is that this company is having the ratepayers pay for the investment, but if it's profitable, they get the profits.

"My biggest concern in this bill is, why are we paying for the investment and we get no piece of the profit? The people of Hawaii, if they're going to invest their own money, then we should protect them as leaders and say, 'Wait a second. The people of Hawaii that invested in this company should have the profits, and not the company.'"

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Jordan rose to disclose a potential conflict of interest, stating:

"I would like to state that I am a shareholder of Hawaiian Electric," and the Chair ruled, "no conflict."

Representative Jordan then asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'd like to make some comments, please. I want to clear up a couple things here, Mr. Speaker. In strong support, please. Thank you, Mr. Speaker.

"First of all, this isn't approval of a project. It's really just a regulatory process and I agree with everyone who said that we need to know what the costs are, because what this regulation will allow us to do is obtain the costs through an RFP process, and that's all.

"To the issue about paying for the investment. The cable company will have to pay for and install this particular system. If another utility wishes to buy that system from the cable company, it will have to pay for it and the only thing they will be allowed through the PUC is a return on the investment which they get right now by putting in regular power plants.

"And to address the issue about whether the risk is trying to be mitigated through regulation, which they are. There's a comment here that deals with the financing and the overview the PUC has and its says, 'To the extent to which the certified cable company assumes financial responsibility for the high voltage electric transmission cable system until both the cable system and the new generation facility or facilities have achieved commercial operation.' Commercial operation is they're in production, and the PUC is to make sure that they don't get any return, any rates, until that happens. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With strong reservations. On the one hand, I'm conflicted that this cable is absolutely necessary. We've got to get off of fossil fuel. This is a key for wind farms, etc. to be able to do that. On the other hand, it's got to be where we have a business model that works, and I think the language, despite the Representative from the Big Island explaining that while the 'skin in the game' is not the taxpayer, I don't think the language is clear enough, Mr. Speaker.

"We've got to show that HECO and all the others have got enough 'skin in the game' so it doesn't be where we are the venture capitalist. Because

we're already paying I think it's 20-some cents per kilowatt hour, and then almost 40 cents on Kauai. It's very expensive to generate electricity, so we have to rush for renewable energy supplies.

"We need the cable, but let's do a business model while we've got time. Let's figure out what are the risks, what are the rewards, and who's paying for it. And I'm hoping the Representative from Wahiawa will come up with some creative ways where the business model will assure the people in the language that this is not a one-sided affair. Thank you, Mr. Speaker."

The Chair then stated:

"Members, may we move on, since this particular measure will be going to the Finance Committee where the members will have the opportunity to address the concerns which have been raised by the Members of the House."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 367, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Hanohano, Pine and Thielen voting no, and with Representatives Har, Riviere and Wooley being excused.

Representatives Coffman and Chang, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1151) recommending that S.B. No. 723, SD 1, 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 S.B. No. 723, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record a no vote 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."

Representative Ching 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 Committees was adopted and S.B. No. 723, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen voting no, and with Representatives Har, Riviere and Wooley being excused.

Representatives Coffman and Chang, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1152) recommending that S.B. No. 631, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 631, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Agriculture, with Representatives Har, Riviere and Wooley being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1153) recommending that S.B. No. 1493, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1493, SD 1, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose in support of 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 strong support of SCR 1153, S.B. 1493 - Relating to Light Pollution. If enacted, this bill would enact the recommended legislation of the Starlight Reserve Committee. Specifically, this piece of legislation would require that all new and replacement outdoor light fixtures use a full-cutoff fixture with a few exemptions.

"I am in support of this bill for two very specific reasons. First, economic impact. At present, astronomy is responsible for an estimated \$150 - \$200 million in revenue per year. For the observatories on Mauna Kea and Haleakala to operate at optimum levels we must preserve Hawai'i's visibility of the stars by minimizing light pollution. This measure supports this goal.

"Second, there are health and safety concerns. As is cited in the testimony of Starlight Reserve Committee Chairman, Richard J. Wainscoat, "Fully shielded lights emit much less light at near horizontal angles, meaning that light trespass is substantially reduced. Light from adjacent properties or from streetlights entering our bedrooms is a form of light trespass. It can make it difficult to sleep at night. Excessive light at night has been linked to some forms of cancer, particularly breast cancer." I share Mr. Wainscoat perspective and concern on lights ability to influence our health and well being and for these reasons I support S.B. 1493."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1493, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1154) recommending that S.B. No. 146, SD 1, 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 S.B. No. 146, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1155) recommending that S.B. No. 1089, SD 1, 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 S.B. No. 1089, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1156) recommending that S.B. No. 981, SD 2, 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 S.B. No. 981, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1157) recommending that S.B. No. 921, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 921, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1158) recommending that S.B. No. 1520, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1520, SD 2, HD 2, 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 Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Carroll 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 S.B. No. 1520, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1159) recommending that S.B. No. 1491, SD 1, 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 S.B. No. 1491, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1160) recommending that S.B. No. 1291, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 1291, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Souki and McKelvey, for the Committee on Transportation and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1161) recommending that S.B. No. 823, SD 1, 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 S.B. No. 823, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"I would like to echo the former Representative's reservations and add mine."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 823, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Souki and Aquino, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1162) recommending that S.B. No. 169, SD 2, 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 S.B. No. 169, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARGO INSPECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1163) recommending that S.B. No. 1327, SD 2, 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 S.B. No. 1327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1164) recommending that S.B. No. 1329, SD 1, 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 S.B. No. 1329, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure. As I've said previously when we voted on the House version of this measure, I agree with the need for improving our road ways and highways. This bill potentially exacerbates our already high cost of living. I do not know that my constituents can afford to shoulder this increased burden in these times, especially because of the broad-based nature of this tax. So while I don't disagree with the underlying premise of this bill to fund the State Highway Fund, I think this particular mechanism is going to hurt most of the people in my district and impact many of our constituents. It is for this reason that I oppose this measure."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes. I want to vote no on this bill which increases the motor vehicle weight tax."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching 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 S.B. No. 1329, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Fontaine, Johanson, Marumoto, Pine, Thielen and Ward voting no, and with Representatives Har, Riviere and Wooley being excused.

Representatives Yamane and Nishimoto, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1165) recommending that S.B. No. 596, SD 2, 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 S.B. No. 596, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1166) recommending that S.B. No. 1106, SD 1, 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 S.B. No. 1106, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose in support of 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 strong support of SCR 1166, S.B. 1106 - Relating to Wellness, which establishes a workplace wellness pilot program.

"As many of you know, my community and I have embarked upon the Liliha Vitality Project, meant to improve and rehabilitate building facades, provide convenient access to healthy foods, and bring an overall sense of joy and happiness amongst community members. Obviously, the Liliha Vitality Project shares the intent of this bill, which is to ensure a happy and healthy citizenry."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1106, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WELLNESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1167) recommending that S.B. No. 893, SD 3, 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 S.B. No. 893, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1168) recommending that S.B. No. 1538, SD 1, 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 S.B. No. 1538, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1169) recommending that S.B. No. 1273, SD 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 Committee was adopted and S.B. No. 1273, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1170) recommending that S.B. No. 240, SD 2, 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 S.B. No. 240, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose to disclose a potential conflict of interest, stating:

"Yes, I just wanted to ask for a possible conflict of interest on Stand. Comm. Report 1170. My husband's a physician. 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 S.B. No. 240, SD 2, 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 Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1171) recommending that S.B. No. 657, SD 1, 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 Committee was adopted and S.B. No. 657, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1172) recommending that S.B. No. 1086, SD 1, 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 S.B. No. 1086, SD 1, 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 opposition to the measure, stating:

"Yes, I'm in opposition to this measure, Mr. Speaker. Mr. Speaker, what this bill does is it now will make different sections in the store. A section for the one company that never freezes their bread, only slices of bread because that same company that we're passing this legislation for does freeze its other products like hot dog buns and hamburger buns. But their slices of bread, they don't freeze. So that particular company will have a special section, passed by law if this bill is passed into law, that says that

it's not going to be frozen. And every other bread that's sliced will be put in another section that says, 'previously frozen.'

"No other state in the nation has a law like this for bread. There are several local companies that came forth that bake bread that were very concerned that this will increase costs and therefore cause layoffs to these local companies that have local residents as their staff. Fresh Start Bakeries was against this, J. Hara Store, the Department of Health because it will increase their costs as well as they didn't see this as a health concern so why would they have to then monitor this. Ani's Bake Shop, Watanabe Bakery, Times Supermarket, Hawaii Food Service Alliance, Mountain View Mini Mart, Golden Coin were against this. Many other stores. Pukulani Superette and many different companies, especially the Neighbor Island companies that do bake bread, they were very much against this bill.

"What I find concerning, Mr. Speaker, is whether it is our intention or not, what we are doing is we are using our position of power in government basically to help the marketing campaign of one company and hurt other companies. Basically we're implying that because a particular company that freezes their bread has a poorer product. I find that there are some problems possibly with the commerce clause and other laws not just locally, but nationally as well.

"Pukulani Superette stated that, 'These products that we sell are provided by local companies employing local people. This would not only hurt our company, but local jobs as well.' And that's Pukulani Superette from Makawao.

"Mountain View Mini Mart in Mountain View on the Big Island said that this bill seems designed to protect a monopoly and ensure high prices to the Hawaii consumer.

"Kalapana Village Café in Pahoa said that, 'We use previously frozen bread in bakery products because it provides a high quality product to our consumers and freezing the product helps us to keep costs low. Requiring labeling, or signage in stores would confuse consumers into thinking that these products are not as good as other products.'

"Punaluu Bake Shop said, 'Business in Naalehu is challenging enough. We cannot afford any additional costs.'

"Mr. Speaker, there's a whole packet here. This is just the testimony alone and most is against this bill from local people who have jobs in the industry. The only people that really came in favor of this bill came from one particular company, and those people said that they were worried that because these outside companies were freezing their bread from the mainland that they are competing in this marketing and hurting their business. And they said, we're worried about losing our jobs and that's why this bill is necessary.

"Well, Mr. Speaker, I looked into the income of that particular company. That particular company is probably one of the most profitable companies in the State of Hawaii right now in terms of not having a drastic downfall in their income. In fact, they increased their profits in 2010 by \$19 million, which is unheard of in this economy.

"What I found the most disturbing, Mr. Speaker, were the testifiers that were workers that came in themselves. There was a woman who had a child on her lap and she was in tears. She was explaining how this economy has already hurt her family by other family members losing their jobs, and that now so we can debate frozen and unfrozen ..."

Representative Johanson rose to yield his time, and the Chair "so ordered."

Representative Pine continued, stating:

"What she said while she had tears in her eyes was, 'Here we are debating the words, frozen and unfrozen. All I can think about is I know this is going to increase costs for the company so which one of us is going to lose our job because they have to get that machine to stamp frozen on it. That's all I can think about right now.'

"So I hope this Body really thinks very seriously about this measure. Is this an issue where our life depends on it? Does our health depend on it? How will this hurt our economy? Sure it's nice to know whether something's frozen or not frozen, but if it tastes the same and if it doesn't affect our health, is that really something that we should be involved in commerce here at the Legislature? So that is why I oppose this bill, Mr. Speaker."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. You know, my grandparents owned a bakery, New England Bakery. They were bakery people and we're grateful for that because they worked really hard. Got up early, really early. And all my uncles and aunts talk about those days and how hard they had to work in the bakery business. And I probably wouldn't be here today probably without that sacrifice. My heart goes out to those in the bakery business.

"In fact, the Love's Bakery family former home is in my district on Judd Street. Love's Bakery is a very special company here in Hawaii and we all grew up with it and have a lot of attachment to it. But the reason I'm voting no on this measure is, echoing some of the comments made by the Representative from Ewa Beach, that in the big picture we are how many months away from an important event in November. It's our goal, I would hope it's our goal, to reveal what a great place Hawaii is to do business. That we're a great place to do business and we want to attract investment. We have a good business climate.

"And while I really understand the argument on the side of this particular bakery, I just don't think that this solution is the only solution. There are other ways to achieve their goal, other ways. Really good branding. Really good marketing. A different kind of a slogan perhaps, to let people know how special they are. But to punish other businesses to achieve your goals, to me, is not respectful. You can promote yourself. Promote yourself. Go, go, go. But don't hurt somebody else to do it.

"So to me this is a misguided kind of a wrong way to approach this, perhaps challenge. And to me, if it were health related it would be different. But the Department Health said it is not health related so with again, the understanding from where they come from and appreciation for this particular bakery, I have to vote no."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Rhoads rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, strong, strong reservations and a couple of comments. Mr. Speaker, government's role is the referee. But when they're on the field and they start playing for one team, where they start tilting it one way or the other, that's when we're no longer objective. That's when we're no longer the referee. In fact, we should be up in the stands watching the marketplace do what it's doing.

"But in this case we've clearly sided, for no health reasons, and I reinforce that because my first reaction when I heard about this bill was well, there's got to be something when you freeze something. You lock in bacteria. Blah, blah, blah. Nothing whatsoever in regards to health.

"So when the referee starts going into the marketplace, we should be reminded that one of the reasons and the causes of World War II were these competitive retributational things that, not in this case, governments, but countries did to each other. Point is, Mr. Speaker, the free market has prevailed, kept peace on the international scene, and can keep peace locally.

"The solution is if that particular company that my colleague from Ewa Beach cited wants to get a winner without interrupting the discourse of the game of the market, without having the referee come and play on their side, all they've got to do is print on their bread, 'not previously frozen.' Change their label. 'Not previously frozen.' And the whole issue goes away. Thank you, Mr. Speaker."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I've been in this Body for nine years and I know, being from the Big Island, there were many times when we've talked about truth in labeling. We've talked about macadamia nuts. We've talked about coffee. I know even fish sometimes, there's fresh fish and there's fresh frozen fish. So the fact that this came up is not surprising.

"Obviously our local bakers that bake, they consider it freshly baked. And then there's products coming from the mainland that are frozen, and then thawed and baked here. I think they want the consumer to know. I mean obviously they're asking us to let the consumers know and let the consumer decide if they want fresh or frozen fresh.

"But I do think this topic continues to come up at the State Legislature. This isn't new for us. It is Second Reading and Members vote your conscience. But I do believe that this is a discussion that keeps coming up and it's, I think, worthy to go on to the next Committee and see where it lies there. Thank you."

Representative Pine rose to respond, stating:

"Yes, just additional comments in rebuttal. I would agree with the previous speaker, that if a company wanted us to pass this, let us include the other products that it produces. This is what basically the bill states. It states that it will only do the sliced bread, but we will not include unsliced breads such as bagels, pastries, English muffins, hot dog buns, or hamburger buns. Just sliced bread. So why will we have a bill that makes it so obvious that this is only going to help one company? Why wouldn't that company also want its own bagels, pastries and English muffins if they so believe that the consumer should have the right to know that it was frozen. That is why I believe this is special legislation for a special company, and we should certainly kill this bill as soon as we can."

The Chair then stated:

"Member, we've had a lot of discussion. This particular measure will be moving on to the Consumer Protection and Commerce Committee for further discussion. At that point, all your particular questions can be clarified by the testifiers who come before that Committee. Or, if there is no hearing, you all have convinced the Chair that it is the will of the House. Are there any other votes in opposition or with reservations?"

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson 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 S.B. No. 1086, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Ching, Fontaine and Pine voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1173) recommending that S.B. No. 40, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 40, SD 2, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker. I'm standing in support, but I need to clarify for the Members. On Stand. Com. Rep. No. 1173, SB 40, SD 2, HD 1, Members and those in the Committee who voted on this measure, if you look at this bill, it is inconsistent with what was recommended by the Chair and voted on. Members, the Chair and Committee members, when we discussed this issue, took out all requirements to require pseudoephedrine to be prescription, and intended that current laws regarding access to pseudoephedrine would remain the same.

"The intent of the bill was to address the electronic drug dispensing tracking system, and to allow for public safety. However, this current HD 1 draft that's in front of you, did not take out the intended language as stated and voted on by the members. So I just want you to be aware that what was stated verbally does not reflect what was drafted in this HD 1 at this time. Thank you."

At 1:29 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:30 o'clock p.m.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching 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 S.B. No. 40, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Har, Riviere and Wooley being excused.

Representatives Yamane and Rhoads, for the Committee on Health and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1174) recommending that S.B. No. 41, SD 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 S.B. No. 41, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PREPAID HEALTH CARE ACT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Riviere 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. 1175) recommending that S.B. No. 420, SD 3, 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 S.B. No. 420, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere 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. 1176) recommending that S.B. No. 926, SD 1, 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 S.B. No. 926, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 1177) recommending that S.B. No. 769, SD 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 S.B. No. 769, SD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 769, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 1178) recommending that S.B. No. 1483, SD 1, 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 Committee was adopted and S.B. No. 1483, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Har, Riviere and Wooley being excused.

Representatives Hanohano and Chang, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1179) recommending that S.B. No. 23, SD 1, 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 S.B. No. 23, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1180) recommending that S.B. No. 1360, SD 1, 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 S.B. No. 1360, SD 1, HD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1360, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1181) recommending that S.B. No. 1054, SD 1, 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 S.B. No. 1054, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Riviere 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. 1182) recommending that S.B. No. 1292, 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 S.B. No. 1292, HD 1, 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 Har, Riviere 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. 1183) recommending that S.B. No. 787, SD 2, 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 S.B. No. 787, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1184) recommending that S.B. No. 154, SD 1, 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 S.B. No. 154, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 154, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1185) recommending that S.B. No. 591, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 591, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY BENEFIT MANAGEMENT COMPANIES," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1186) recommending that S.B. No. 1348, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 1348, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Nishimoto and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1187) recommending that S.B. No. 1382, SD 2, 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 S.B. No. 1382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1188) recommending that S.B. No. 1332, SD 2, 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 S.B. No. 1332, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At the law firm I work for, we are involved in litigation with the University over their procurement practices. 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 S.B. No. 1332, SD 2, 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 Har, Riviere and Wooley being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1189) recommending that S.B. No. 239, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 239, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you. A ruling on a potential conflict, please. My grandson is at the Medical School. Thank you," and the Chair ruled, "no conflict."

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose in support of the measure 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 in support with reservation of SCR 1189, S.B. 239 - Relating to the Hawaii Tobacco Settlement Special Fund, which extends the appropriate of Hawaii Tobacco Settlement Special Fund monies to JABSOM until June 30, 2015. It also establishes a University of Hawaii School of Public Health, the Hawaii Medical Doctor Loan Program and the Hilo Medical Rural Interdisciplinary Residency Program and a dedicated Special Fund for each respective program.

"Mr. Speaker I am concerned about a duplicative program in the School of Public Health. I raise the question, why is it necessary to divert funds to the School of Public Health for tobacco cessation efforts when JABSOM already provides the full range of services to combat tobacco use including prevention counseling, education, outreach, cessation programs and treatment across every age group?"

Representative Takai rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"I rise with reservations to this measure. I would first like to applaud the Higher Education Chair and Committee members for holding JABSOM to the promises made over ten years ago and taking confident strides forward in addressing Hawaii's doctor shortage.

"For too long, we have provided funding to JABSOM without writing our conditions or their promises as part of the law. For too long, we have let JABSOM siphon the Hawaii Tobacco Settlement Fund of critical funding that should have gone towards community tobacco cessation programs.

"The addition of the Hawaii Medical Doctor Loan Program will provide incentives for medical students to practice in our rural areas – places where families are in dire need of quality medical care. Along with the mandatory three-month rotation of medical students to the Neighbor Islands, the Hilo Medical Center Residency Program will provide more residency opportunities for JABSOM graduates to give back to our islands especially in the areas least likely to attract doctors seeking to join or build their own practices.

"However, I would like to remind this Body that JABSOM still has an issue to address: that of the incorporation of an Office of Smoking and Health into the medical school. Currently there is no such Office of Smoking and Health at JABSOM. This office could serve as a trailblazer in the State in terms of studying and promoting research in smoking cessation and sharing the latest treatment options and programs with the medical students and the community.

"The public expects the Legislature to be accountable for the taxes we collect and the services we provide. We should do no less to those that receive our approval and funding as well. JABSOM will go a long way in providing the next generation of healers with the knowledge and support to serve the people of Hawaii. But we cannot send them forward on the basis of broken and empty promises. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 239, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was referred to the Committee on Finance, with Representative Rhoads voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1190) recommending that S.B. No. 654, SD 1, 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 S.B. No. 654, SD 1, HD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 654, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Cabanilla and Mizuno, for the Committee on Housing and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1191) recommending that S.B. No. 900, SD 2, 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 S.B. No. 900, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker, I rise in support with reservations. But before I proceed, I'd like to declare that I do occasional work for a homeless shelter as a potential conflict. Thank you," and the Chair ruled, "no conflict."

Representative Pine continued to speak in support of the measure with reservations, stating:

"What this bill does is it creates safe havens in various locations like parking lots, or parks, and things like that. And I want to praise the Chairs of Housing and Human Services because they really want to solve the homeless problem. They're trying to think of so many different ideas to help solve the problem. But the real problem right now in helping the homeless is that we lack the proper funding to truly enact changes to solve this problem in Hawaii. And this bill allocates \$250,000 for a particular place where people can go and just park their cars there and stay there overnight.

"Well the problem with that is it's going to be very difficult with \$250,000 to provide an actual safe haven that includes maybe facilities to keep the place free of drugs and crime.

"And a lot of the homeless providers were torn on this issue as well, Mr. Speaker. They do want to support anything that will help to provide a safe place for the homeless, but they said that what they really, really need was more affordable housing so they can move those that are in homeless shelters out of the homeless shelters, especially those with kids, to more affordable housing. That is really what they believe is going to solve the homeless problem."

Representative Jordan 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 Committees was adopted and S.B. No. 900, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1192) recommending that S.B. No. 892, SD 2, 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 S.B. No. 892, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives McKelvey and Keith-Agaran, for the Committee on Economic Revitalization & Business and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1193) recommending that S.B. No. 755, SD 2, 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 S.B. No. 755, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

At 1:35 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:37 o'clock p.m.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I stand in strong opposition to this measure. You know, we've discussed gambling before in this Body and I've made my comments about it then, as well as about how this will forever change the landscape. It will change our culture. Mr. Speaker, people come to Hawaii for our culture, for our aloha spirit. People can go anywhere in the world. They can go for white sand beaches and the ocean in the Caribbean or Mexico. But yet people come here because of what we are as a people. We start introducing these kinds of measures and we start changing our culture and the very fabric of our family, our lifestyle, and everything else that is here.

"This measure, although it's trying to identify it as being 'entertainment' that's peer to peer, it's gambling. The house still takes a percentage of the winnings as it's written right now in the piece of legislation. And I have talked to the Representative from Lahaina about this issue and I know he wants to work on it and try to make it better to make it more palatable. But as it stands right now, I cannot support this. We need to look forward at finding other ways to generate revenue and create new business and new opportunities for people here. But this is certainly not the way to do it. Thank you, Mr. Speaker."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising to speak against the bill. Thank you. Mr. Speaker, first of all I have a very serious problem with the procedure the way that this occurred. We walked into the Committee to hear a measure that was to stimulate Hawaii's economy by establishing an annual exemption from the general excise tax on retail sales of back to school items during a five day period in late July. So we were going to give families a tax holiday when they went to buy their back to school items. Wonderful idea. And in comes the 'gut and switch' and we're dealing with the gambling bill. And I felt, Mr. Speaker, that this gambled with the credibility of the Committee. I still feel that.

"I still feel that this measure, gambling, this session has received intense comment on both sides. But at this hearing, strangely enough, there were only proponents. The opponents didn't know about it. I understand some rushed to the Capitol and did talk to the EDB Chair after the hearing, but they weren't there at the hearing to be able to explain to the Joint Committee why we should not be passing this bill through. That's not the way we should do business in this Body, and I really oppose it not just on its merits, but for that procedure.

"That the other reason is we've addressed gambling. And yes, we're desperate to have more money in this State, to have more income, but we don't go and resuscitate a measure that has been voted down by this Body because sensibly, the Body feels it doesn't make sense to establish gambling in Hawaii. Hawaii is Hawaii, and we don't want to gamble with the aloha spirit. We don't want to gamble and put this out as you come here and we're just like Las Vegas or the other places.

"And you can't say that, 'Oh wait a minute. This is just a little one on gambling.' Once you open the door, Mr. Speaker, you know where that goes. I mean, once we started with the taxing measures we pass in this Body, it's going to be a temporary one. How many sunsets have we ever implemented when it comes to raising taxes and fees? We don't. They just stay in perpetuity. Well the gambling will stay, tarnish us, and then it will grow and we'll be no different than any of those other states where they have gambling and all of these social ills related to that. So I would hope this Body, in its wisdom, decides to once again table this measure. Thank you."

Representative Brower rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In reservations. Mr. Speaker, I have reservations on the process, but I'm supportive of the idea. If a world class event is going to take place on the planet, why not Hawaii? An event like the World Series of Poker. Are we not progressive leaders? Is our island

society not mature enough to deal with the responsibility of an event like this? If we're going to be a leader among popular competitions that both attract mature elders and young twenty- and thirty-something year olds who participate and follow this, we need to support ideas like this.

"Hawaii needs to endear itself to new types of tourism or fall behind on revenues, and our residents will have a lower standard of living. If our State is going to compete with other countries it needs to adapt to changing trends. Visitors already are asking for more alternatives to participate in and at worse, an event like this will be no less the Hawaii experience than shopping at a mall. Organized groups against this bill are often human services organizations and yet, they are the ones who are asking for more funds for government and they need that support. It's ideas like this on where that money comes from. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition to this bill. It looks more like an entertainment bill because I see the word, 'entertainment' in here more often than 'gambling' or 'gaming.' But first we had gambling. And then they took the 'bull' out of it, and it became gaming. It's a matter of rhetoric. Now it's entertainment so I think that's a big euphemism for the gambling industry.

"I said this sends out a mixed message and it certainly does. I mean it's going to be if this passes. We'll have church bingo that's illegal, but then again this kind of Texas Hold 'em will be legal. So it's a very strange sense of values here. A hundred million dollars for a license. Give me a break. And then they said there's no 'house' involved. But yet in the bill it says there's a 20% take on all wagers placed. And you know in poker, you're always raising, so I just don't know whether you take a 20% cut of each of these bets. I really don't know.

"But I really have problems with the definition of 'games of chance' and 'games of skill.' I can't quite tell the difference between the two, and I don't know what hosting fees are. So there's a phrase in there called, 'wager service hosting fees' that's not quite defined.

"So because this bill needs so much work, I think it's really not worth our time and effort to proceed on this particular measure. I would ask that most of you, all of you, vote no on this. I commend the Chair of the Economic Revitalization Committee for trying to be creative in helping our economy out, but I think gambling will be more expensive and bring us less revenues than we would hope, especially this one type of poker game. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker and Members. I am strongly in favor of this and I wish to have the speech by the Representative of Waikiki as my own. Thank you, very much."

Representative Ching rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition."

The Chair then addressed Representative Ching, stating:

"Representative Ching, if you're going to reiterate what was already stated on the Floor, you can have it incorporated as your own. Or were you going to speak on something different, as far as the measure before us?"

Representative Ching responded, stating:

"Absolutely. Thank you, Mr. Speaker. I accept that and I am. I wanted to address a few things spoken by the Representative of Waikiki, in opposition.

"Mature, he said, 'We should be more progressive rather than regressive. And he said that change, changing trends. He mentioned changing trends. Gambling is not a very young industry. In fact, it goes all the way back. It goes back to a number of things, and it has always been associated with the

ills of prostitution and drug use. It has always been, and if you go into literature, if you go into even what have you, all the realities of Las Vegas. The fact is that Las Vegas is the highest in foreclosures, the highest in unemployment. It has so many ills. I mean, why would you want to introduce that? So the fact is, it is mature.

"Each year, Mr. Speaker, the gambling lobbyist have done whatever they think is *en vogue*, whether it's for seniors, whether it's for funding education. This year now we're looking at games of skill. Whatever the pop word is, that's what they're going to plug in, and I think it reflects the lack of their sincerity for the people of Hawaii. So when we say things like mature, that ignores the facts. It ignores human psychology. We know what the history is. We know what the history is of other jurisdictions.

"And we also know that the people remember that children, we want to take care of our children. We have so many measures here addressing domestic violence, addressing all kinds of issues, especially taking care of our children. This will only introduce them to worse things. If it introduces gambling, who do you think they're going to eventually want to hire? Our young people once they graduate from high school? Is that what we want? Is that what we want for them? To be in casinos versus some of the wonderful opportunities in life, high tech, etc. The things that we've said on this Floor?

"I will summarize, Mr. Speaker. I had much more to say, but I will summarize. I will incorporate the rest of my comments, but Hawaii cannot afford casinos. For advocates to help legalize gambling as a means to keep local money in Hawaii, but we who are already the most avid gamblers. But it's a perfect situation whereby our people go to Las Vegas and if they have problems, they have to be able to put themselves in the right situation to come back.

"But the crucial reason to keep gambling from our shores is that Hawaii is already notorious for domestic violence, ranked as the number one for alcohol-related fatalities in 2007. It's below the nation with some of the lowest test scores, educational standards that determine military transfers, crystal meth abuse. Honolulu Enterprise had reported a top concern to be the industry's inability to find locals fit to hire. Rife with foreclosure, Hawaii claims to have the lowest home ownership rate of all US states. Do we really want to add one more challenge, Mr. Speaker?"

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong opposition of SCR 1193, S.B. 755 - Relating to Economic Development, which authorizes events featuring peer-to-peer entertainment, including poker, authorizes two licenses to operate online peer-to-peer entertainment at a minimum fee of \$100,000,000 per year and 20% of total wagers.

"I cannot emphasize enough caution with regard to traveling the very treacherous road of legalizing gambling in Hawaii. No matter what form gambling takes, the studies and data remain true, gambling wreaks havoc on the very fabric of our families and communities.

"Indeed, a study of drug and alcohol dependency treatment facilities found that 19% of nearly 500 patients interviewed were pathological or problematic gamblers by DSM III criteria. Another study found that 80% of gamblers in treatment committed civil offenses, and 23% committed criminal offenses, to finance their gambling addictions. More horrifying yet, Gamblers Anonymous members admit to having stolen an average of \$135,000 each in order to gamble.

"Colleagues, I implore you to vote no on this piece of legislation."

Representative Ward rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. As previously said, this measure does not pass the smell test. Procedurally it was very questionable, deceptive. And even the media, I see we have one camera here. I watched the event on television last night and they said this bill will come to the Floor on Monday. Here it is already on Thursday, so who told the press that we're not going to talk about it today? Somebody told the press."

The Chair addressed Representative Ward, stating:

"Representative Ward, you're out of order on your statements."

Representative Ward continued, stating:

"My point is questioning the procedure as previously questioned from the colleague of Kailua who said our credibility is at stake here, Mr. Speaker.

"But I think the opposition to this bill is as a money generator, or let's say the proponents of the bill as a money generator, I think, can be outweighed by what is the downside of gambling and what we've done here on the Floor before. Because instead of gambling, we should be planning. That is what we should be doing if we want to put people back to work and call this an economic stimulus, we should be putting those green jobs as we did with the PACE program, having a solar on every roof, having every economic opportunity to take us off of the dependence of foreign oil, etc. Instead we're putting this as an elixir and I think it's deceptive, and it's untrue given what the statistics are for Nevada which has it front and center.

"The point is, Mr. Speaker, we need to treat this the way we treated casino gambling in Waikiki. We voted it down and it was over with. And, Mr. Speaker, at the appropriate time I will call for a roll call vote. Thank you."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. First a rebuttal as to the process. Your Committee, when it decided to look at this issue, these ideas, we asked for the re-referral with Judiciary. We posted the 48-hours notice and we even put the proposed House Draft online. Now I could understand if we had a hearing on SB No. 755 with only ERB and we dropped the House Draft 1 onto the Committee with this, then there would be every reason to be upset. But we followed the rules that are outlined for the House for the re-referrals, the 48-hour notice, plus the House Draft was online. I talked to the opponents who showed up and they said their offices are closed three days a week which is why they didn't notice that this measure had come up.

"The world, Mr. Speaker, changed on 3/11. I wouldn't bring these ideas forward, Mr. Speaker, if the world hadn't dramatically changed. And again, it's just about, and I appreciate the comments of the good Representative from Kihei, to throw out the ideas to address two things that have happened. One has been the cataclysmic collapse of the visitor industry. They said 20%. Now we're looking at over 20%. Cancellations of the two biggest conventions that were scheduled. They are now gone. We talk about marketing to mainland visitors. From the Neighbor Islands I can very much appreciate that because historically, mainland visitors go the Neighbor Islands and bypass Oahu.

"This isn't casinos, because casinos are not mentioned in here. This isn't lottery, bingo, or anything of the sort. This is just to look at two things. Part one, to bring the World Series of Poker and other tournaments here for a limited duration. And part two, to explore the idea of having two licenses for internet servers for peer-to-peer. That's p-e-e-r. Not p-i-e-r. Human to human, whereby the people playing against each other are from around the world to avoid the very social ills that have been outlined, Mr. Speaker. With all due respect, I don't see how having the World Series of Poker will lead to foreclosures and increased meth addiction.

"The second thing is Mr. Speaker, and this is the brutal reality. We have to come up with hundreds of millions of dollars in the next three months just to make it out of this fiscal year in one piece. We're looking at pretty much the wiping out of all special funds, the elimination of programs and

services on a scale probably never seen. And from the perspective of your Economic Development Committee, Mr. Speaker, we're pretty much looking at the elimination of all tax credit programs and economic incentives. I would love to have green jobs, but how can you pay for a photovoltaic credit when there's no money. It's probably going to disappear. It'll probably be wiped off the books this year.

"And you're right. This bill needs work. The reason why we put a Commission in here, Mr. Speaker, is to prevent a runaway, to prevent peer-to-peer games of skill from turning into the concerns that have been issued today. So this Commission will review each application on a case by case basis to make sure that they're very stringent, and do they fly or not.

"And it's a starting point to have a conversation. Do we go down the road of elimination of programs and services and more taxation? Do we go down the road knowing that our visitor count is going to plummet completely and the people could possibly lose their jobs? Could we at least talk about it? Can we, to put it in the good words of the Minority Leader, put iron to iron? That's what it is. We didn't use Senate Bill 4, Relating to Gambling. We used one on economic development because we want to have this idea out there.

"And as to the news reports, it was my understanding and I was wrong, that this measure would probably be put up for vote on Monday. When I was advised in the evening that it will be today, I immediately had my office call KHON to tell them it was today. So for that, I apologize.

"So here's the point. It's to have a conversation about will this allow us, through the tournament events, to help market visitors. And visitors for these events, Mr. Speaker, come in four to six weeks at a time and fill the hotel rooms. And the thing is, these are skilled players. If you enter in round one and you are terrible, you are eliminated. You win nothing. We see it on television. It's also marketing insofar as ESPN and Versus has the World Series of Poker that showcases what Hawaii is all about, far beyond the game itself.

"And for part two, it was simply to look at the potential revenue there is for Internet based peer-to-peer games whereby the customers are not here. They're elsewhere, but are competing against each other.

"It's a starting point. I totally respect the comments of the good Representative of Kihei and the opposition, as well as those from the Representative of Hawaii Kai. But, Mr. Speaker, the last chance for your Subject Matter Committee to put new ideas on the table was this week, Mr. Speaker. And we tried to approach it in a very constrained way."

Representative Choy rose to yield his time, and the Chair "so ordered."

Representative McKelvey continued, stating:

"A very finite structure to look at this, to look at two things. One, can we bring the World Series of Poker and other large tournaments here for a limited duration. And number two, will the Internet option bring in revenues so that we can save many initiatives and programs that are probably going to get wiped out. It may not be popular to talk about it, but I thought, again, in the good words of the Minority Leader, this is the marketplace of ideas where we can bring ideas out.

"And if I had offended anybody by doing that, then I apologize. But the ideas need to be discussed and I feel at least we put every option out there and maybe your Committee on Finance will not entertain it. Or maybe they will. Maybe this bill will move no further, but at least we can turn, I can turn to my constituents and say rather than going down with GET increases, exemption taxes, and eliminating credits and programs, we at least explored these options, Mr. Speaker. And that's all it is.

"And, Mr. Speaker, that's what I tried to do as your Chair of this Committee was to look at possibilities for us to be able to address the two huge issues when, if 3/11 had not happened, if our visitor market hadn't crashed, if we weren't in now a negative three percent projection, I would never have entertained bringing up this discussion because it would not have been necessary in my point of view.

"But the fact of the matter is the world did change, and we are now faced with these huge challenges. At least we looked at it. And you know, Members, please vote your conscience on this, because it is. I understand and I appreciate your views on this, your concerns and the way you feel. So no matter how things go, I think at least we had the discussion. At least we put this option for exploration out there to the people of Hawaii.

"And for me, if this allows me to save some of the important tax credit programs that we're trying to initiate. If this allows us to save the photovoltaic credit so we can put things on the roof, then at least it was a discussion worth having. Thank you, very much."

Representative Yamane rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm standing in opposition. Thank you, Mr. Speaker. I appreciate the Chair of the Economic Revitalization and Business, as well as the Chair of the Judiciary Committee on their attempt to try to address this economic situation. I do agree that we are facing some very tight fiscal constraint which will impact both human services, as well as the huge impact on health programs. However, Mr. Speaker, I just would like to highlight to the Members, this is a 48 page bill that has two major parts. I understand the intent and I applaud the proponents for looking at this measure to try to look at all avenues of revenue generation.

"However, Mr. Speaker, this is a bill that would establish and allow these types of situations to develop and enhance them. It's not merely just an exploratory measure. It's not looking into the issues and how to develop it. It's an establishment that could happen as early as, I guess July 1st or upon approval. So, Members, I would just like to express my concerns in opposition. Thank you."

Representative B. Oshiro rose to a point of order, stating:

"First, a point of order, Mr. Speaker. Just to correct the Minority Leader. You cannot ask for a roll call vote pursuant to our House Rules 51 and 52, as well as Mason's Rules, section 535. The pending motion before us is to adopt the Committee Reports on all 29 pages. So we can't have a roll call. Instead, if Members need or want to express reservations or no, they need to rise."

Representative B. Oshiro continued to speak in support of the measure, stating:

"And just very briefly, can I make some comments in support? Thank you. I do recognize the intent by the Chair of the Economic Development Committee and therefore I think this is something worthwhile for further discussion. I do think however that unfortunately, having a 48 page bill before us may be a bit cumbersome. I do take some comfort in the fact that there is a delayed effective date of July 1st, 2112 and so obviously, we can't just have this adopted and it won't just be sailing through our legislative process. There will continue to be more debate and discussion. So I do take some comfort with that.

"I would raise that I think maybe an easier way to approach this is looking at HRS 712-1231 which already allows for social gaming. So for those people that think that we don't have gambling in our midst, that we don't allow it, they're incorrect. Our current laws actually allow you to have social gaming. The only prescription and rules are that you cannot necessarily have a house, and you cannot have somebody actually making a claim and getting a profit by it as long as all the people that are playing are the only ones benefiting. At that point, that is a legal and permissible activity under our laws.

"The one area that would need clarification is currently there is a prohibition on where these things can be held, and that includes hotels. And so if there is a need to look at holding or hosting a world poker tournament, I would say that one way to do it is just simply to look at the existing law, making minor changes, and actually maybe put in some oversight commission. Then at that point you can have both things, and then we don't have to go down this road of having such a long and

cumbersome, and potentially complex bill. That's just my humble suggestion. With that, I rise in support."

Representative M. Lee rose in opposition to the measure and asked that the remarks of Representative Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am in support with reservations. I believe that I've heard the arguments on both sides and I now have a good picture on what this is all about. I humbly ask the Members and call for the question. Thank you, Mr. Speaker."

The Chair then announced:

"At this time Members of the House, the Chair will allow Members to cast their votes in opposition or with reservations because this is a voice vote. The main motion before this Body is for all measures on pages 1 to 28."

Representative Rhoads rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Aquino rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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:

"I vote no on SB 755, HD1. To eliminate the originally proposed GET tax break for Hawaii's families when they buy school supplies for their children, and then completely replace this with legalized gambling – is for this Body to make a Faustian bargain.

"As you'll recall, Faust made a bargain with the devil – exchanging his soul for a diabolical favor. Just as in every Faustian bargain, SB 755, HD1 is a dangerous one and comes at the price of Hawaii's very soul.

"It is urged by supporters of SB 755 HD 1 that this "cut and paste" is necessitated by our budget shortfall that's been made all the more acute by the earthquake and tsunami that devastated Japan two weeks ago. It is further urged by its supporters that allowing legalized gambling here in Hawaii will then help pay for this tax break to parents to buy school supplies for their kids, as well as fund all other beneficial social programs in Hawaii.

"Adopting SB 755, HD1 glaringly demonstrates this losing of our soul – in essence exchanging the spirit of aloha for the spirit of self-indulgence. To put it mildly, it is certainly in extremely poor taste to use the death and destruction that the people and nation of Japan have suffered, and its multitudes shall likely continue to suffer as a pretext to legalize gambling into Hawaii. The issue of legalized gambling in Hawaii has already been fully debated -- and rejected -- not only by this Body, but also by the people of Hawaii. Further, to eliminate a GET tax break to parents who are buying school supplies for their children in order to legalize the encouragement of a self-indulgence and of a greed so our State might get money is a clear sign that we have lost our way. For the life of our land is perpetuated in righteousness.

"The substance of SB 755, HD 1, the fallacious arguments of its supporters, and the manner in which this legalized-gambling proposal underhandedly replaced a proposed tax benefit for parents who purchased school supplies for their children, is a blight on the integrity of this legislative body. This measure is an insult to the people of Hawaii, and we the people are not fooled."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Yamane be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takumi rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen 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. 755, SD 2, 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 Aquino, Ching, Cullen, Fontaine, Johanson, M. Lee, Marumoto, Pine, Rhoads, Saiki, Takumi, Thielen, Ward and Yamane voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1194) recommending that S.B. No. 318, SD 2, 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 S.B. No. 318, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, really quickly. I'm in favor of this bill with reservations. And the reservation I have, and this is to my good neighbor from Lahaina, is that there is a section in here where you attach the Transient Accommodations Tax bill for those counties who are going to be affected by the movie studio. So again, I have been historically opposed to touching the Transient Accommodations Tax funds, and I continue to be so. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 318, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1195) recommending that S.B. No. 779, SD 2, 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 S.B. No. 779, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1196) recommending that S.B. No. 1107, SD 1, 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 S.B. No. 1107, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1197) recommending that S.B. No. 986, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 986, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1198) recommending that S.B. No. 1458, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1458, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative M. Lee rose in opposition to 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 with strong reservations to this measure because of professional issues, and also the history of marijuana or "Compassionate Care" dispensaries across the mainland of the United States.

"As a registered nurse for over 40 years, I have cared for many patients with terminal, life threatening and painful conditions. Years ago, there was little available to ease severe pain and nausea. Patients suffered greatly. Today, the administration of pain medications is a science that is quite advanced. It is not unusual for patients to be ambulatory in the community with such devices as a morphine pump which keeps them comfortable during their daily routine. Medications which control nausea have advanced as well. These are given in controlled amounts and in doses that do not render the patient unable to function.

"Marijuana has been a popular alternative to traditional medicine; however smoking it has both safety and regulatory concerns attached. Smoking cannabis is similar to smoking tobacco—there may be damage to the lungs, potential for severe burns if the patient falls asleep in bed while smoking, property damage from fires, loss of capacity to drive and carry out ADLs and exposure of family members to second hand smoke. Marijuana is also widely used as a recreational and street drug. Some feel

it is a gateway drug, and from all reports, the strength of what is available is increasing.

"I have other concerns related to the proliferation of dispensaries in states such as California, Colorado and Montana. For the most part, these establishments are simply "restaurants" which offer a wide variety of doses, flavors and prices to their clients. The "scene" on the Internet is quite colorful and many ads clearly proclaim the virtues of marijuana use for recreational purposes.

"Cities have found that organized crime loves these establishments, which often have more than marijuana on the menu. In Montana, on March 11, 2011, a major raid was conducted by federal law enforcement agents on many of these establishments, despite the fact that the Obama Administration has stated they would not seek to punish marijuana users.

"Mr. Speaker, the bill before us is complicated and flawed. It makes use of resources we can't afford such as monitoring by police, expensive photocopying requirements, a data base, live video feed to police station, and on and on. It almost seems as if this draft is asking to be killed.

"No one wants to take away a remedy from people who really need it. I believe, we need to find another way to make the substance available to truly needy patients, but this is not the way. This is a medical issue; the Department of Health and prescribing physicians should be involved to set a standard of care, dosing recommendations. Organizations like the Cancer Society and the Lung Association need to come out of their safe zones and make recommendations as well.

"Even though this is just a pilot, I believe we risk seeing rows of marijuana "shops" in the near future in Waikiki if we should we pass this bill."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto 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 Committee was adopted and S.B. No. 1458, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representatives Ching, Fontaine, Johanson, M. Lee, Marumoto, Pine and Ward voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1199) recommending that S.B. No. 1, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1, SD 2, HD 2, 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 Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward 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 S.B. No. 1, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE RECOGNITION OF THE

NATIVE HAWAIIAN PEOPLE, THEIR LANDS, ENTITLEMENTS, HEALTH, EDUCATION, WELFARE, HERITAGE, AND CULTURE," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1200) recommending that S.B. No. 1076, SD 1, HD 1, as amended in HD 2, 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 S.B. No. 1076, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1201) recommending that S.B. No. 934, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 934, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Keith-Agaran and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1202) recommending that S.B. No. 595, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 595, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict of interest? My husband's a physician. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 595, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIANS," was referred to the Committee on Finance, with Representatives Har, Riviere 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. 1203) recommending that S.B. No. 1468, SD 2, 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 S.B. No. 1468, SD 2, HD 1, pass Second Reading and 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."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1468, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1204) recommending that S.B. No. 2, SD 2, 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 S.B. No. 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1205) recommending that S.B. No. 261, SD 2, 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 S.B. No. 261, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN MUSIC AND DANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1206) recommending that S.B. No. 116, SD 2, HD 1, as amended in HD 2, 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 S.B. No. 116, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1207) recommending that S.B. No. 651, SD 2, 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 S.B. No. 651, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"First of all, Mr. Speaker, may I have a ruling on a potential conflict? My family's currently in remodeling with our lender," and the Chair ruled, "no conflict."

Representative McKelvey continued support of the measure, stating:

"Thank you then, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 651, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1208) recommending that S.B. No. 652, SD 2, 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 S.B. No. 652, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"First of all, Mr. Speaker, may I have a ruling on a potential conflict? My family's currently in remodeling with our lender," and the Chair ruled, "no conflict."

Representative McKelvey continued to speak in support of the measure, stating:

"Thank you. In strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 652, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1209) recommending that S.B. No. 1274, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 1274, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Thank you. I understood the Chairs of the Committee to say that protections would be, or they were, I'm not positive. They said that protections would be placed back into the ultimate bill that moves forward. But right now we have consumer protections that are being repealed by Senate Bill 1274, House Draft 2. I'm concerned about that. The testimony from Professor Richard Miller outlined that.

"The unfortunate thing was that Commissioner Gordon Ito just didn't really respond to the questions. I tried, and he kind of danced around the answers. The Representative from Nuuanu is a very skilled attorney and she did a very good job of questioning him. I think maybe she got a better non-answer.

"But basically, the Obamacare law states on external review that a group health plan and a health insurance issuer offering group or individual health insurance coverage number one, shall comply with the applicable state external review process for such plans and issuers that, and here are the key words, the three words, at a minimum, includes the consumer protection set forth in the Obamacare, well, I'm saying Obamacare law. But the 'at a minimum,' means that Hawaii can provide more protections.

"The concern is that Senate Bill 1274 doesn't have those in it. And I would like to request permission to have the single page comparison put into the Journal showing what is being actually removed by Senate Bill 1274, the protections that previously were afforded to Hawaii consumers. Thank you."

The Chair then addressed Representative Thielen, stating:

"Excuse me, Representative Thielen. The Chair will look at what you want to submit and will make a decision later. I don't know where you got that particular comparison sheet."

Representative Thielen responded:

"I can explain it to you right away and tell you where the attachment is from ... Otherwise I could just read it now, Chair. It has a list of the consumer protections on one side."

Speaker Say: "That's okay. Representative Thielen, you're out of order. So I'll look at it later, after we get through with session, and then decide to incorporate it or not."

Representative Thielen submitted the following:

"LIST OF H.R.S. §432E-6 CONSUMER PROTECTIONS
REPEALED BY S.B. 1274 HD1

H.R.S. §432E-6 Consumer Protections	S.B. 1274 HD1
Consumers presently awaiting a hearing are guaranteed all of the rights and protections H.R.S. §432E-6 affords	Consumers presently awaiting a hearing will apparently be stranded because S.B. 1274 HD1 fails to preserve all of the H.R.S. §432E-6 rights and protections they were guaranteed on the date they filed their requests for external review
Consumers have the right to a face-to-face hearing before the Commissioner or his designee for all denials, and to present evidence and witnesses, including expert witnesses. For all denials valued at \$500 or more, the right to a face-to-face hearing by a 3-person panel. The panel is chaired by a lawyer versed in Hawaii law, and includes a managed care plan representative and a licensed provider practicing in Hawaii	Consumers get no hearing at all. All external reviews are conducted by third party independent review organizations, by a single clinician of the independent review organization's choosing. That clinician, who is not required to have any prior knowledge of Hawaii's medical necessity law, makes the binding, final decision whether the plan's denial was reasonable
Consumers have a remedy for errors of fact or law. Consumers are guaranteed the right to appeal adverse decisions to the circuit court, and appellate courts if necessary. Plans are required to comply with decisions in favor of consumers. There is no stay from the Commissioner's orders absent very extraordinary circumstances.	Consumers have no remedy for errors the IRO physician makes on the law or applying the law to the facts. S.B. 1274 HD1 makes decisions by the third party independent review organization binding on the consumer
Consumers are assured of a level playing field against the legal resources and information available to plans Consumers are indemnified for expenses reasonably incurred in having their case prepared and presented by their own attorneys and experts. Win, lose, or draw, the consumer may not be denied coverage of reasonable expenses absent proof, at a special hearing, that the consumer's case was frivolous or in bad faith.	Consumers must bear the cost of any assistance they receive from attorneys or experts
All consumers are assured that Hawaii has a strong deterrent, of proven effectiveness, against managed care abuses.	All consumers have no assurance that sending cases to a third party independent review organization will be as effective a deterrent against managed care abuses as H.R.S. §432E-6 has been

EXHIBIT 1"

*Attachment to a letter addressed to
Senator Suzanne N.J. Chun Oakland, dated March 21, 2011
from Jouxson-Meyers & del Castillo, Attorneys at Law.*

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm, they do represent health insurers on some of these administrative procedures, but I don't do that type of work. Thank you," and the Chair ruled, "no conflict."

Representative B. Oshiro continued with a point of order, stating:

"One more thing. I have a point of order. I would like to request that the debate try to refrain from calling certain Acts by the federal government under the name of a President when that's the official Act. So instead of using rhetorical, inflammatory types of characterizations, I think people should try to remain and stay consistent in terms of what terms they use. Let's try to uphold some decorum in here. Thank you."

The Chair responded, stating:

"Thank you, very much. Your point is very much well taken in regards to what was stated on the Floor."

Representative Pine rose, stating:

"Mr. Speaker, a point of information. I'm thankful that I have been informed by the opinion of the previous speaker. I hope that the decorum is the same when it refers to President Bush and Governor Linda Lingle because the decorum has not been very pleasant."

The Chair responded, stating:

"The Chair has been very generous in allowing this type of debate, but at some point in time, we'll have to address it and at that point in time we'll address it."

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. No offense was meant by my calling it that, and let me give it the correct name. The new Patient Protection and Affordable Care Act of 2010. And this is the President's healthcare bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 1274, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1210) recommending that S.B. No. 1519, SD 3, 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 S.B. No. 1519, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," passed Second Reading and was

referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1211) recommending that S.B. No. 1269, SD 2, 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 S.B. No. 1269, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I'm standing in opposition to this measure. What this does, Mr. Speaker, is it basically eliminates voluntary overtime. Overtime that you volunteered for from eventually being accrued as a part of your retirement. As a police captain, I relied on having volunteer officers coming in and working special events, or working the callback shifts without actually having to order people back. And there were occasions when I did have to order people back to work when I couldn't get volunteers. But as you know, with a lot of families the officers can't work the overtime hours, so we take the volunteers.

"What this will do, at least for police departments and perhaps other places too who are providing emergency services is that it would put the employer in a position of having to constantly order employees back which would affect morale. In addition, it will create a nightmare for paperwork if you can imagine a clerk now trying to account for specific types of overtime. Overtime that's accrued by order, or overtime that's accrued through voluntary methods. And I understand the whole concept of trying to reduce ultimately what retirement is, and trying to reduce those costs, but going after this with the voluntary aspect of the overtime, I think, will be hurtful. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson 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 S.B. No. 1269, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF COMPENSATION FOR PURPOSES OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance, with Representative Fontaine voting no, and with Representatives Har, Riviere and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1212) recommending that S.B. No. 1341, SD 2, 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 S.B. No. 1341, SD 2, HD 1, 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 Har, Riviere and Wooley being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1213) recommending that S.B. No. 1066, SD 2, 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 S.B. No. 1066, SD 2, HD 1, pass Second Reading and 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, 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 S.B. No. 1066, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representatives Rhoads and Mizuno, for the Committee on Labor & Public Employment and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1214) recommending that S.B. No. 229, SD 1, 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 S.B. No. 229, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Riviere 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. 1215) recommending that S.B. No. 1221, SD 2, 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 S.B. No. 1221, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere 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. 1216) recommending that S.B. No. 1088, SD 1, 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 S.B. No. 1088, SD 1, HD 1, pass Second Reading and 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, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson 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 Committees was adopted and S.B. No. 1088, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Riviere and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1217) recommending that S.B. No. 1489, 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. 1489, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Har, Riviere and Wooley being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Har, Riviere and Wooley were excused.)

At this time, the Chair addressed Representative Cullen, stating:

"Representative Cullen, what was the motion that we just adopted?"

Representative Cullen responded, stating:

"We just adopted Standing Committee Report No. 1055."

Speaker Say: "No. We suspended the rules of the House to consider certain bills for Third Reading."

THIRD READING

S.B. No. 34, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 34, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Third Reading by a vote of 47 ayes, with Representatives Har, Riviere and Wooley being excused.

At 2:18 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 34, SD 1, HD 1

ANNOUNCEMENTS

Representative Ching: "I'm sorry, Mr. Speaker. I apologize. Just a couple of announcements. Tomorrow is Prince Kuhio Day and as I often like to do, he was called *Ke Ali'i Maka'ainana*, Prince of the People. The Citizen Prince.

"He was known as someone who was very compassionate, and as we all know, he served in Congress and was helpful in starting our Hawaiian Homelands Commission Act. As we enjoy, well some of us enjoy the three-day weekend, Prince Kuhio was the brother of Prince Kawanakoa of which is quite pronouncing myself and the Representative of Nuuanu, the other side of the district. It is just a nice part of our heritage to remember.

"Also, the Iolani Palace will be having their open house reception I believe, tonight from 5:30 to 7:30. Thank you."

ADJOURNMENT

At 2:20 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon Monday, March 28, 2011. (Representatives Har, Herkes, Riviere and Wooley were excused.)

THIRTY-EIGHTH DAY

Monday, March 28, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, M. Oshiro and Riviere, 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. 188 through 190) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 188, dated January 11, 2011, transmitting the Report Relating To Public Land Liability And Recommendations Of The Task Force On Beach And Water Safety, prepared by the Department of Land and Natural Resources pursuant to Act 82, Section 4, SLH 2003, as amended by Act 152, SLH 2007, Act 81, SLH 2009, and Act 190, SLH 1996, as amended by Act 101, SLH 1999, as amended by Act 170, SLH 2002, as amended by Act 152, SLH 2007, as amended by Act 81, SLH 2009.

Gov. Msg. No. 189, dated January 11, 2011, transmitting the Initial Progress Report On The Implementation Of Act 15, Special Session of 2009 as required by Section 8 of Act 15, Special Session of 2009, prepared by the Department of Land and Natural Resources.

Gov. Msg. No. 190, dated January 24, 2011, transmitting a Report on QUEST Recipients, prepared by the Department of Human Services, Med-QUEST Division, pursuant to H.C.R. No. 199, H.D. 1 (2010).

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 378) was received and announced by the Clerk:

Sen. Com. No. 378, transmitting H.B. No. 863, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 24, 2011.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 72 and 73) were received by the Clerk and were placed on file:

Dept. Com. No. 72, dated January 18, 2011, from Clyde W. Namu'o, Chief Executive Officer, Office of Hawaiian Affairs, transmitting the Office of Hawaiian Affairs 2010 Annual Report, and the 2010 Office of Hawaiian Affairs Grants & Sponsorships Annual Report.

Dept. Com. No. 73, dated January 27, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting a letter in response to the Legislature's request for an analysis on the effects of Act 227, SLH 2008, relating to insurance, to be repealed on June 30, 2011, and analysis of effects of Act 120, SLH 2008.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative M. Lee introduced visitors from the Alabama State Department of Education:

Dr. Melinda Maddox, State Educational Technology Director for Alabama Department of Education;
Ms. Earlene Patton, Administrator at the Alabama Department of Education and ACCESS Distance Learning;
Mr. Barry Barnette, Director of the University of Alabama Support Center for the ACCESS Distance Learning Initiative;
Mr. Larry Raines, Administrator with the Alabama Department of Education, ACCESS Distance Education Program;
Dr. Amy Agbayani, Director of the SEED Program and UH Manoa; and
Dr. Francisco Hernandez, Vice Chancellor for Students at UH Manoa.

Representative C. Lee introduced students from Waimanalo Elementary and Intermediate School who will be going to Washington DC for the Close Up Civic Engagement Program: Kory Bernardino, Zinfandel Josiah, Gracelyn Martin-Hanohano, Tiani Lastimosa, Janet Sally, and Jaffy Sally. They were accompanied by College Planning Advisor Kalani Kuloloia; and Director, Judy Oliveira.

Representative Mizuno introduced students from Dole Middle School who will be going to Washington DC for the Close Up Civic Engagement Program: Paul Trocio, Aruko Rosokov, Lise Childers, Selena Supapo, Kayla Capsillan, Rachelyn Tumamao, and Elay Kesnino. They were accompanied by College Planning Advisor, Wendy Mow-Taira.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 293) was announced by the Clerk and the following action taken:

H.R. No. 293, entitled: "HOUSE RESOLUTION CONGRATULATING LE JARDIN ACADEMY ON THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY," was jointly offered by Representatives Thielen and C. Lee.

Representative Thielen moved that H.R. No. 293 be adopted, seconded by Representative C. Lee.

Representative Thielen congratulated Le Jardin Academy for 50 years of academic excellence and thanked the administrators, teachers, families and students for being an inspiration to the educational community.

Representative Thielen then introduced the following honorees representing Le Jardin Academy who were seated on the Floor of the House:

Mr. Adrian Allen, Headmaster;
Mr. PJ Foehr, Lower School Principal; and
Mr. Francoise Akina, Junior School Principal.

Representative C. Lee also thanked Le Jardin for their contributions to the community and introduced other honorees seated on the Floor of the House:

Ms. Victoria McNeill, High School Principal; and
Mr. Oliver Donkervoet, ASB Student Body President.

Representative Thielen then introduced guests seated in the gallery:

Le Jardin high school students from the Model United Nations Club;
Ms. Cynthia Manley, Director of Public Relations; and
Mrs. Donkervoet, mother of Mr. Oliver Donkervoet.

Representative Ching commended Le Jardin for preparing students for the 21st Century.

The motion was put to vote by the Chair and carried, and H.R. No. 293 was adopted, with Representatives Carroll and Riviere being excused.

The following resolution (H.R. No. 294) was announced by the Clerk and the following action taken:

H.R. No. 294, entitled: "HOUSE RESOLUTION RECOGNIZING THE UNITED STATES SMALL BUSINESS ADMINISTRATION'S STATE OF HAWAII 2011 AWARDEES," was offered by Representative Choy.

Representative McKelvey moved that H.R. No. 294 be adopted, seconded by Representative Choy.

Representative McKelvey welcomed the US Small Business Association's 2011 Awardees for the State of Hawaii.

Representative Choy congratulated and introduced the following honorees seated on the Floor of the House:

Mr. Brian Bowers and Mr. Dexter Kubota of Bowers & Kubota Consulting, Inc., recipients of the 2011 Small Business Person of the Year award.

Representative McKelvey congratulated and introduced the following honoree seated on the Floor of the House:

Mr. Roger Lane of Roger Lane, Inc., recipient of the 2011 Home Based Business Champion award.

Representative Luke congratulated and introduced the following honoree seated on the Floor of the House:

Mr. Alan Okami of KoAloha, Inc., dba KoAloha Ukulele, recipient of the 2011 Family-Owned Small Business Award.

Representative Tokioka congratulated and introduced the following honoree seated on the Floor of the House:

Mr. Daniel T. Wright of Tambor, recipient of the 2011 Young Entrepreneur of the Year award.

Representative Tsuji congratulated the following honoree seated in the gallery:

Mr. Robert Fujimoto of HPM Building Supply, Ltd., the 2011 Entrepreneurial Success Awardee.

Representative Fontaine congratulated the following honorees seated in the gallery:

Mr. Eddie Flores of L&L Drive Inn and L&L Hawaii Barbeque, recipient of the 2011 Minority Small Business Champion of the Year Award;

Ms. Judy N. Bishop of Bishop & Company, Inc., recipient of the 2011 Women In Business Champion award; and

Mr. Henry L. Cashen of Soldier and Family assistance Center, United States Army, recipient of the 2011 Veteran Small Business Champion award.

Representative McKelvey congratulated the following honorees seated in the gallery:

Mr. Joseph Rossi of Maui Babe, Inc., recipient of the 2011 Small Business Exporter award;

Mr. Patrick R. Garcia, of Strategic Financial Concepts, LLC, 2011 Financial Services Champion; and

Mr. David Kane of Trex Hawaii-Advanced Materials Group, recipient of the 2011 Tibbetts Award for innovation and Research.

Representative Ward also commended the honorees for their entrepreneurial spirit and recognized Ms. Jane Sawyer of the Small Business Administration Hawaii Office who was seated in the gallery.

Representative Cabanilla also commended her former Army Reserve Commander, Brian Bowers.

The motion was put to vote by the Chair and carried, and H.R. No. 294 was adopted, with Representatives Carroll, M. Oshiro and Riviere being excused.

At 12:44 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Cabanilla, Carroll, M. Oshiro and Riviere were excused.)

THIRD READING

S.B. No. 1069, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 1069, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise again in strong support of this measure, but I did want to just recap, and I will be asking for additional written comments in support, that we honor dogs. They perform in our communities by assisting blind individuals, detecting invasive species, detecting illegal drugs, search and rescue, they serve, they protect. Mr. Speaker, in strong support."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of SB 1069 – Relating to Cruelty To Animals. If enacted, this bill would increase the penalty of cruelty to animals by fighting dogs in the first degree and establish a second degree of cruelty to animals by dog fighting.

"As noted by Inga Gibson, Hawaii State Director for the Humane Society of the United States, in a national ranking of dog fighting laws, Hawaii ranked 50th with the weakest laws. Moreover, under our existing law who are knowingly present and/or wager on dog fights, who drive the profit related to dog fights, they could simply claim they were spectators and face no penalty.

"Dogs have been specifically trained to assist those with physical and mental disabilities, have the ability to sniff out cancer and detect the onset of seizures, and help to lower blood pressure, decrease serum cholesterol and relieve anxiety in people.

"Moreover, Hawaii has one of the highest rates of diabetes and an article published in the New York Times and re-printed in the March 15, 2011 Star-Advertiser revealed a study of 41,500 California residents that showed dog owners to be 60 percent more likely to take leisure walks than non-pet owners, older people are more likely to take walks if the walking companion is a canine, and that dog walkers show a much greater improvement in fitness than non-pet owners.

"You should also note, that according to a Human Society survey in 2009, 60% of Oahu households own a pet, 43% of these Oahu households own at least one dog.

"Colleagues, I implore you to support this measure. Dogs serve as a model to our children and reflect many of the values we uphold. This bill lets violators know we are committed to cracking down on illegal dog fighting. Thank you."

Representative Souki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I wish to vote no on this measure. I agree we should have a Class C felony for those who have dogs who are used for dog fighting. However, I do not agree that the spectators who are observing the fight should be given a Class C felony equal to the penalty for the owner of the dog who is participating in the fight. I believe that a misdemeanor with penalties up to one year is sufficient for a spectator who is watching the fight."

"Mr. Speaker, I do hope that as it goes into Conference that they can look at amending the section that has to do with penalties for the spectators, changing it from a felony to a misdemeanor."

"For the Member's information, even a misdemeanor can carry penalties of up to two years in jail if need be. So that is more than sufficient for being a spectator at a fight, and not for being one of the owners whose dog has participated. We have now too many felonies in the books. We don't have enough jail space. And we are not building any prisons. So until this thing is rectified, I believe we should put a halt on all of these felonies. Thank you, very much."

Representative Brower rose to speak in support of the measure, stating:

"Mr. Speaker, in support. A brief comment. I want to join my colleague from Liliha, and in my research on this bill I found out unfortunately dogs do not possess the metabolic enzymes to eat chocolate. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1069, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 45 ayes to 1 no, with Representative Souki voting no, and with Representatives Cabanilla, Carroll, M. Oshiro and Riviere being excused.

S.B. No. 1489, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1489, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," passed Third Reading by a vote of 46 ayes, with Representatives Cabanilla, Carroll, M. Oshiro and Riviere being excused.

At 12:57 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1069, SD 1, HD 1
S.B. No. 1489, SD 1, HD 1

ANNOUNCEMENTS

Vice Speaker Manahan: "Members, I would just like to remind you that tomorrow our Floor session will begin at noon, and we will convene in Joint Session at 2:00 p.m. in the Senate Chambers for the Hawaii Medal of Honor ceremony."

COMMITTEE ASSIGNMENTS

The following measure was referred to committee by the Speaker:

S.C.R.
No.

Referred to:

21 Committee on Culture & the Arts

COMMITTEE REASSIGNMENTS

The following measure was re-referred to committee by the Speaker:

S.B.
No.

Re-referred to:

892,
SD2,
HD1

Committee on Health, then to the Committee on Judiciary

ADJOURNMENT

At 12:58 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, Tuesday, March 29, 2011. (Representatives Cabanilla, Carroll, M. Oshiro, Riviere and Wooley were excused.)

THIRTY-NINTH DAY

Tuesday, March 29, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Har, M. Oshiro and Yamashita, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Eighth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 379 and 380) were received and announced by the Clerk:

Sen. Com. No. 379, transmitting H.B. No. 319, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," which passed Third Reading in the Senate on March 28, 2011.

Sen. Com. No. 380, transmitting H.B. No. 1654, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," which passed Third Reading in the Senate on March 28, 2011.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Har, M. Oshiro and Nishimoto were excused.)

H.B. No. 319, HD 1, (SD 1)
H.B. No. 1654, HD 1, (SD 1)

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 74 through 80) were received by the Clerk and were placed on file:

Dept. Com. No. 74, dated March 23, 2011, from James B. Nicholson, Chair, Hawaii Labor Relations Board, pursuant to HRS §89-11(d)(3), notifying the Legislature that March 23, 2011 is the fiftieth day of impasse in the negotiations between the public employers and the United Public Workers, AFSCME, Local 646, AFL-CIO for Unit 01, composed of nonsupervisory employees in blue-collar workers, and the mandatory mediation period provided by HRS §89-11(d) is over. The Board has been informed that mediation has failed to result in a tentative agreement for Unit 01 members.

Dept. Com. No. 75, dated March 23, 2011, from James B. Nicholson, Chair, Hawaii Labor Relations Board, pursuant to HRS §89-11(d)(3), notifying the Legislature that March 23, 2011 is the fiftieth day of impasse in the negotiations between the public employers and the Hawaii State Teachers Association, for Unit 05, composed of teachers, and the mandatory mediation period provided by HRS §89-11(d) is over. The Board has been informed that mediation has failed to result in a tentative agreement for Unit 05 members.

Dept. Com. No. 76, dated March 23, 2011, from Glenn M. Okimoto, Ph.D, Director of Transportation, Department of Transportation, pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, requesting approval to apply for and expend unappropriated federal grant funds for Honolulu International Airport (TRN 102) by \$18,821,000. These funds were not appropriated because a new grant will be available by the Federal Aviation Administration as part of the Federal Aviation Administration's Airport Improvement Program.

Dept. Com. No. 77, dated March 23, 2011, from Glenn M. Okimoto, Ph.D, Director of Transportation, Department of Transportation, pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 108, SLH 2010,

requesting approval to apply for and expend unappropriated federal grant funds for Honolulu International Airport (TRN 102) by \$3,422,200. These funds were not appropriated because a new grant will be available by the Federal Aviation Administration as part of the Federal Aviation Administration's Airport Improvement Program.

Dept. Com. No. 78, dated March 23, 2011, from Glenn M. Okimoto, Ph.D, Director of Transportation, Department of Transportation, pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, requesting approval to apply for and expend unappropriated federal grant funds for Lanai Airport (TRN 151) by \$1,201,750. These funds were not appropriated because a new grant will be available by the Federal Aviation Administration as part of the Federal Aviation Administration's Airport Improvement Program.

Dept. Com. No. 79, dated March 23, 2011, from Glenn M. Okimoto, Ph.D, Director of Transportation, Department of Transportation, pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, requesting approval to apply for and expend unappropriated federal grant funds for Molokai Airport (TRN 141) by \$5,805,000. These funds were not appropriated because a new grant will be available by the Federal Aviation Administration as part of the Federal Aviation Administration's Airport Improvement Program.

Dept. Com. No. 80, dated March 23, 2011, from Glenn M. Okimoto, Ph.D, Director of Transportation, Department of Transportation, pursuant to Section 108 of Act 162, SLH 2009, as amended by Act 180, SLH 2010, requesting approval to apply for and expend unappropriated federal grant funds for Hilo International Airport (TRN 111) by \$3,168,250. These funds were not appropriated because a new grant will be available by the Federal Aviation Administration as part of the Federal Aviation Administration's Airport Improvement Program.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative McKelvey introduced friends from Maui: Ms. Deborah Arendale, Executive Director at Maui County Office of Aging; and Ms. Pat Toyama, a family caregiver.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Hanohano, for the Committee on Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1218), recommending that H.R. No. 56, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1219), recommending that H.C.R. No. 63, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 56; and H.C.R. No. 63, be referred to the Committee on Judiciary, 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. 56, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII TO PROVIDE THE DELEGATES AND OFFICERS OF THE NATIVE HAWAIIAN CONVENTION WITH THE FINANCIAL AND OTHER SUPPORT NEEDED TO COMPLETE THEIR WORK," was referred to the Committee on Judiciary, with Representatives Har and M. Oshiro being excused; and

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO PROVIDE THE DELEGATES AND OFFICERS OF THE NATIVE HAWAIIAN CONVENTION WITH THE FINANCIAL AND OTHER SUPPORT NEEDED TO COMPLETE THEIR WORK," was referred to the Committee on Judiciary, with Representatives Har and M. Oshiro being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1220), recommending that H.C.R. No. 146, 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. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was referred to the Committee on Legislative Management, with Representatives Har and M. Oshiro being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1221), recommending that H.C.R. No. 127, 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. 127, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO ESTABLISH A TASK FORCE TO EXAMINE HOW THE COMPENSATION OF STATE AND COUNTY EMPLOYEES IN THE STATE COMPARES WITH THAT OF GOVERNMENT EMPLOYEES IN OTHER STATES AND JURISDICTIONS AND THAT OF THE PRIVATE SECTOR IN THE STATE," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1222), recommending that H.R. No. 124, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1223), recommending that H.C.R. No. 142, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 124; and H.C.R. No. 142, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Rhoads rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, I just wanted to register a no vote on both Stand. Com. Rep. Nos. 1222 and 1223 and give brief comments. There's no question that NIMBY-ism is rampant everywhere, not just in Hawaii, but across the nation. But I do think that these Resolutions are unfair to the citizens of Chinatown. We do have a homeless problem in Chinatown and when you look at the point-in-time counts, Downtown Honolulu is second behind the Waianae Coast in terms of the numbers of the homeless people who are living here.

"But we also have many facilities to help the homeless. We have the River of Life to feed homeless. We have Safe Haven for the mentally ill. We have a whole variety of programs. There's at least three that I can think of off-hand, of homeless shelters in the Downtown area. One on Iwilei Road; one on Kaaahi; one on Quinn Lane. We have a methadone clinic on Kukui Street. We have a needle exchange program that's also on Kukui Street.

"We have a great array of social services in the Chinatown area and I just don't think it's fair to imply that somehow those of us who live in

Chinatown are any less caring about the homeless than anywhere else in the State. The issues that we face are issues that other neighborhoods don't want either. No one's volunteering to take homeless shelters anywhere on the island, not just in Chinatown. So I oppose these two measures. Thank you."

Representative Ching rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I too will rise with opposition and I ask that the words of the good Representative from Chinatown be entered as my own. Thank you. The Liliha area has been very, I think, we have a number of people who have accommodated many of our social services. In fact we're very proud of our social services. We accommodate many things.

"But on a second note and point, we have had a number of measures this year telling the media what to do. And while I too want to see us take care of, of course our homeless, perhaps the issue to be covered is the origins of homelessness. That is provocative. That's a very good thing to cover. Thank you."

Representative Cabanilla rose to speak in support of both measures, stating:

"For both measures, Mr. Speaker, I stand in strong support. I just would like to make some corrections on a statement made. This NIMBY issue is not only for the homeless, but it is also for affordable housing and affordable rentals. And these resolutions did not address Chinatown. This issue of NIMBY had been demonstrated in places like Kahala and also in Mililani.

"But this measure is not for any particular place. It's for all of us. I think the solution of homelessness or affordable housing is not where it is. I think it lies on all of us, our attitude, the way we see it, the way we treat them. It's on all of us. So these resolutions are for us to change our attitude and the way we look at them because even though there's a lot of options there, it will never go anywhere because nobody wants the homeless. Or nobody wants affordable housing next to them, or rentals. Until that attitude is changed, Mr. Speaker, we will never get anything solved. We will be just like a ship that will never have a pier.

"And for those things, Mr. Speaker, I think the media is the best tool we have because we need to connect to ourselves. Thank you."

Representative Belatti rose in opposition to both measures and asked that the remarks of Representative Rhoads 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 reports of the Committee were adopted and H.R. No. 124, entitled: "HOUSE RESOLUTION URGING HAWAII TELEVISION, RADIO AND PRINT MEDIA OUTLETS TO ADDRESS THE "NOT IN MY BACK YARD" (NIMBY) ATTITUDE IN HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Ching and Rhoads voting no, and with Representatives Har and M. Oshiro being excused; and

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII TELEVISION, RADIO AND PRINT MEDIA OUTLETS TO ADDRESS THE "NOT IN MY BACK YARD" (NIMBY) ATTITUDE IN HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Ching and Rhoads voting no, and with Representatives Har and M. Oshiro being excused.

Representative Cabanilla, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1224), recommending that H.R. No. 62, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1225), recommending that H.C.R. No. 70, 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. 70, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative McKelvey rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. On Stand. Com. No. 1224, HR 62, HD 1; and Stand. Com. No. 1225, HCR 70, HD 1, just in strong support. I would like to thank the Housing Committee for hearing this measure and moving it on for discussion. I think it's an important time given the overall situation in that area for us to look at this as a way to provide home ownership opportunities, as well as providing assistance for those out there who can make it work, but are having difficulties in trying to make it work given the multiple entities involved. Thank you, very much."

Representative Fontaine rose to speak in support of both measures, stating:

"Yes, Mr. Speaker. I also stand in strong support and I would like to have the words from the Representative from Lahaina entered as my own."

Representative Hanohano 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. 62, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO STUDY THE ESTABLISHMENT OF A STATEWIDE COMMUNITY LAND TRUST TO PROMOTE HOMEOWNERSHIP OPPORTUNITIES IN HAWAII," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused; and

H.C.R. No. 70, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A TASK FORCE TO STUDY THE ESTABLISHMENT OF A STATEWIDE COMMUNITY LAND TRUST TO PROMOTE HOMEOWNERSHIP OPPORTUNITIES IN HAWAII," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1226), recommending that H.C.R. No. 289, be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT OF STATE FUNDING FOR NA PUA NO'EAU STAFFING AND PROGRAMS," was referred to the Committee on Hawaiian Affairs, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1227), recommending that H.R. No. 246, be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 246, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was referred to the Committee on Hawaiian Affairs, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1228), recommending that H.C.R. No. 279, be referred to the Committee on Hawaiian Affairs.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 279, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was referred to the Committee on Hawaiian Affairs, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1229), recommending that H.R. No. 256, 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. 256, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEARCH FOR A SITE IN LOWER PUNA TO HOUSE A LEARNING CENTER," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1230), recommending that H.C.R. No. 291, 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. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEARCH FOR A SITE IN LOWER PUNA TO HOUSE A LEARNING CENTER," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1231), recommending that H.R. No. 170, be referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment; and

(Stand. Com. Rep. No. 1232), recommending that H.C.R. No. 197, be referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 170; and H.C.R. No. 197, be referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"For these two resolutions, may I have a ruling on a potential conflict? At my law firm we're involved in litigation over the building of the telescopes. Thank you," and the Chair ruled, "no conflict."

Representative Jordan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Wooley rose to speak in support of both measures with reservations, stating:

"Could you also note my reservations on those two measures? And I just want to note that I think that there's a lot of excitement about the business opportunities for the telescope, as well as the research opportunities. But there's one part that the resolutions don't address which is the Native Hawaiian claims to that land, and there are concerns about the cultural site.

So I just have concerns about it moving forward in its current form. 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. 170, entitled: "HOUSE RESOLUTION SUPPORTING THE WORKFORCE PIPELINE PROGRAM OF THE THIRTY METER TELESCOPE PROJECT," was referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, with Representatives Har and M. Oshiro being excused; and

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE WORKFORCE PIPELINE PROGRAM OF THE THIRTY METER TELESCOPE PROJECT," was referred jointly to the Committee on Economic Revitalization & Business and the Committee on Labor & Public Employment, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1233), recommending that H.R. No. 240, be referred to the Committee on Tourism.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 240, entitled: "HOUSE RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," was referred to the Committee on Tourism, with Representatives Har and M. Oshiro being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1234), recommending that H.C.R. No. 273, be referred to the Committee on Tourism.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," was referred to the Committee on Tourism, with Representatives Har and M. Oshiro being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1235), recommending that H.R. No. 60, 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. 60, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE ISLANDS OF OCEANIA," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1236), recommending that H.C.R. No. 67, 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. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE ISLANDS OF OCEANIA," was referred to the Committee on Finance, with Representatives Har and M. Oshiro being excused.

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1237) recommending that H.R. No. 30, be adopted; and

(Stand. Com. Rep. No. 1238) recommending that H.C.R. No. 37, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 30; and H.C.R. No. 37, be adopted, seconded by Representative Evans.

At 12:20 o'clock p.m. Representative Ward requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

At this time, the Chair stated:

"Thank you, Members. Before the recess we were on Standing Committee Reports Nos. 1237 and 1238, those measures will be deferred one legislative day."

By unanimous consent, action was deferred one legislative day.

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1239) recommending that H.R. No. 13, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1240) recommending that H.C.R. No. 12, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 13, HD 1; and H.C.R. No. 12, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in strong support of both of these resos. Thank you, Mr. Speaker. Mr. Speaker, the district I represent, along with the Representative from Nuuanu, has just about all of the physical consulates in our district. In fact, we are the multicultural district in that way. There are four of them: Japanese, Korean, Philippine, and unofficially the Taipei.

"I think that this is a wonderful idea. With APEC coming in November we want to establish our relationships prior to APEC because that's when the lasting value will come, with the lasting value past November into the many years later.

"And just as an aside, perhaps for the Representative from Waikiki, three years ago I was in New York and I happened to be invited to a big conference at the Asia Center of the Rockefeller Center. In actuality, I learned about the consumption of chocolate by Asia. And what they had done is flown in a number of high-profile 'foodies' to New York City to the Rockefeller Center and they were all in discussion on a workshop seminar called, 'The increasing demand for chocolate in Asia.' And that was a conference. It attracted a lot of international stardom. It was interesting, and I bet you it was lucrative for New York City. Thank you."

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in strong support of these resos. Mr. Speaker, we often speak in this Chamber about diversification of the economy, and the necessity of diversifying our economy. Having a series of international conferences can do that. This is a diversification of tourism.

"It's something that some of us have hoped that in the future, as was proposed in the 2020 plan for Hawaii, that we would be the epicenter of diplomacy in Hawaii. If there's a problem in North Korea about South Korea, bring them here. Fiji, bring them here. What we've got is the potential to be the 'Geneva of the Pacific.' You've got a problem? You want to work it out? You come to Hawaii. It's a natural for us.

"The dress rehearsal for that is APEC as my colleague has mentioned. And if we do it well, there are dozens of very big conferences like APEC that the UN and other countries put on. If they knew the welcome mat was out in Hawaii we would certainly garner that business. So this is a diversification of the economy, not just a 'warm and fuzzy' reso about international relations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 13, HD 1, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE DEPARTMENT OF STATE TO HOST MORE INTERNATIONAL CONFERENCES IN HAWAII," was adopted, with Representatives Har, Ito, M. Oshiro and Souki being excused; and

H.C.R. No. 12, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE DEPARTMENT OF STATE TO HOST MORE INTERNATIONAL CONFERENCES IN HAWAII," was adopted, with Representatives Har, Ito, M. Oshiro and Souki being excused.

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1241) recommending that H.R. No. 12, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1242) recommending that H.C.R. No. 11, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 12, HD 1; and H.C.R. No. 11, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. Again in strong support, and reiterating the point made earlier that the real power according to one of the APEC committee members, they said that they looked at the different places that had held APEC and that actually a number of them had not garnered some of the success that they could have because they only saw APEC as an event for one week. November 8 through 13. One week.

"But actually the ones that were highly successful were the locations that realized that infrastructure and all of the necessary inviting people, inviting them to be Honorary Consuls came from prior because it gives you a reason to contact these people, these entrepreneurs, these businesses, and then afterwards relationship that was fostered.

"So again, actually the week is sort of like maybe the big game. But as we all know, those of us who have played sports, and as I used to tell my students, homework and practice. You've got to be there if you want to do well on the day of the big game. 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. 12, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR OF HAWAII TO INVITE ALL ASIA-PACIFIC ECONOMIC COOPERATION COUNTRIES TO ESTABLISH HONORARY CONSULS IN HAWAII BEFORE THE 2011 ASIA-PACIFIC ECONOMIC COOPERATION SUMMIT," was adopted, with Representatives Har, Ito, M. Oshiro and Souki being excused; and

H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR OF HAWAII TO INVITE ALL ASIA-PACIFIC ECONOMIC COOPERATION COUNTRIES TO ESTABLISH HONORARY CONSULS IN HAWAII BEFORE THE 2011 ASIA-

PACIFIC ECONOMIC COOPERATION SUMMIT," was adopted, with Representatives Har, Ito, M. Oshiro and Souki being excused.

ANNOUNCEMENTS

Representative Ching: "Sorry to be so loquacious today. It's a nice, easy day and I have to fill it with all my words, right? On March 30, it will be Doctors Day. I know our former Representative that was in the back row there and is now in the Senate who was probably the only practicing doctor in the Legislature, but nevertheless a doctor. Maybe he can hear us from here.

"But this is the 78-year-old tradition of honoring physicians on March 30th that was officially recognized as a national observance in 1990 when the US House of Representatives and President George Bush issued a proclamation underscoring the sanctity of the calling to pursue medicine. More than the application of science and technology, medicine is a special calling and those who have chosen this vocation in order to serve their fellow man understand the tremendous responsibility it entails.

"And so with that, I just wanted to announce that March 30th is Doctors Day and I hope that we can show all of our friends and family who are doctors our appreciation for saving lives. Thank you."

Representative Yamashita: "Thank you very much, Mr. Speaker. I'd like to announce that there will be an informational briefing tomorrow, March 30th, in the Capitol Auditorium regarding energy conservation measures concerning this building presented by DAGS, DAGS staff, as well as NORESCO. There will be a question and answer period to follow. That's tomorrow between 2:00 and 3:00 p.m. Thank you."

Vice Speaker Manahan: "The Chair has one announcement. Members, please be advised that we will convene in Joint Session in the Senate Chambers for the Hawaii Medal of Honor ceremony at 2:00 p.m. this afternoon. All Members are encouraged to be prompt to avoid any delay in beginning the ceremony. Thank you."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.R.</u> <u>No.</u>	<u>Re-referred to:</u>
70	Committee on Public Safety & Military Affairs

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
77	Committee on Public Safety & Military Affairs

RECESS

Representative Evans moved that the House stand in Recess for the purpose of convening in Joint Session in the Senate Chamber at 2:00 p.m., and reconvene for regular session at 12 o'clock noon on Thursday, seconded by Representative Pine and carried. (Representatives Har, Ito, M. Oshiro and Souki were excused.)

At 12:35 o'clock p.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with Senate Concurrent Resolution No. 27, met in Joint Session with the Senate, for the Hawaii Medal of Honor Ceremony.

JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Sixth Legislature was called to order at 2:03 o'clock p.m. by the Honorable Shan S. Tsutsui, President of the Senate.

The President addressed the Chamber, stating:

"This is indeed a momentous occasion. We honor members of the Armed Forces of the United States, with ties to Hawaii, who fought and died bravely, in combat zones designated by presidential order.

"On behalf of the House Speaker and all of the Members of the Hawaii State Legislature, I convey our deepest condolences to our very special guests - the family, friends and colleagues of loved ones, who have lost their lives overseas while in the Middle East. Our prayers are with you, and we are honored by your presence today.

"Please rise for the posting of colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard, and remain standing for the singing of the National Anthem and Hawaii Pono'i by Ms. Jennifer Lee, which will be followed by the invocation by Raymond Ganotise, Master Sergeant Retired from the Hawaii Army National Guard."

At this time, the Members of the Senate and House of Representatives, guests, and audience rose for the presentation of our Nation's and our State's Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard. The singing of the National Anthem and *Hawaii Pono'i* was led by Ms. Jennifer Lee, thereafter the invocation was delivered by Raymond Ganotise, Master Sergeant Retired from the Hawaii Army National Guard.

President Tsutsui then addressed the Members, guests and audience as follows:

"Mahalo Joint Service Color Guard, Royal Guard, Ms. Lee, and Master Sergeant Retired Ganotise. Your participation in today's ceremony is greatly appreciated. You may be seated.

"Today we have gathered so we can honor and remember our fallen heroes, their families, and friends. As we go about with our busy everyday lives, whether it's going to work, attending a baby luau, sporting events on the weekend, or even church on Sundays, it is easy to forget that there is a war going on and in other parts of the world combat in the streets is an all day and everyday occurrence for both civilians and soldiers. Through the distance we are sometimes able to disassociate ourselves from the reality that our brave soldiers experience on a daily basis and from the ensuing heartache that is felt by their loved ones who long for their safe return home.

"The Hawaii Medal of Honor is awarded on behalf of the people of Hawaii to soldiers who are connected to these islands and are part of our Ohana, our family forever. Today I am truly privileged and profoundly humbled to take part in this ceremony to honor those who have sacrificed their lives in defense of our nation and its freedoms. No one can take the place of a lost loved one. Nothing can be said to fill the void that is left in the hearts and lives of those who are left behind.

"In many ways today's events bring up mixed emotions. Great sorrow for those who have fallen, and also great pride in the bravery, dedication, and commitment these soldiers possessed and demonstrated in their lives. These individuals assumed their duties with the understanding of the potential danger that they would face and in light of that they still chose to dedicate themselves to a life of service for our country. Their courage, honor and commitment have forged an enduring legacy as common individuals demonstrating uncommon valor.

"Let us pledge to each other that these brave soldiers that have fallen will not be in vain. Let us never forget the magnitude of their sacrifices and remain ever grateful. For the debt we owe can never be repaid but through our continued commitment to the freedoms and ideals that define our country, may we honor their memories.

"Words cannot adequately express the appreciation and the gratitude that the people of Hawaii have for our courageous members in the military. To our fallen soldiers, and their family and friends, thank you for your many sacrifices. Our thoughts and prayers remain with you all. You will always be remembered with honor and respect. Thank you, and Mahalo to everyone here today and may God continue to bless all of us."

At this time, the Senate President introduced the following State, military and congressional leaders seated on the Floor of the Senate:

The Honorable Neil Abercrombie, Governor of the State of Hawaii;

The Honorable Brian Schatz, Lieutenant Governor of the State of Hawaii;

Representing the Honorable Daniel K. Inouye, United States Senator: Colonel Retired Walter Kaneakua;

Representing the Honorable Daniel K. Akaka, United States Senator: Mr. Ricky Oshiro;

Representing the Honorable Mazie K. Hirono, United States Congresswoman: Ms. Kelsey Anderson;

Representing the Honorable Colleen Hanabusa, United States Congresswoman: Mr. Rod Tanonaka;

Mr. Bill Paty, Civilian Aide to the Secretary of the Army;

Ms. Christina Kemmer, Civilian Aide to the Secretary of the Army;

Major General Darryll D.M. Wong, Adjutant General, Hawaii Department of Defense;

Representing the 25th Infantry Division and Major General Bernard Champoux: Lieutenant Colonel David Francis;

Representing United States Army Pacific: Brigadier General John E. Seward;

Brigadier General Michelle Compton, Commander, 9th Regional Support Command;

Brigadier General Gary M. Hara, Commander, Hawaii Army National Guard;

Representing Hawaii Air National Guard and Brigadier General Ann Greenlee: Brigadier General Stanley J. Osserman Jr.;

Rear Admiral Dixon R. Smith, Commander, Navy Region Hawaii, and Mrs. Kiki Smith;

Brigadier General Joseph Kim, Deputy Adjutant General, Hawaii Department of Defense, and Mrs. Kimberly Kim;

Brigadier General William J. Scott, Commanding General, 311th Signal Command, and Mrs. Paula Scott;

Representing the United States Pacific Air Forces and General Gary North: Colonel Brou Gautier;

Representing United State Marine Forces Pacific and Lieutenant General Duane Thiessen: Colonel James Bierman;

Representing the United States Air Force 154th Wing: Colonel Brad Sakai and Mrs. Momi Sakai; and

Representing Tripler Army Medical Center and Brigadier General Keith Gallagher: Captain Jose Acosta.

President Tsutsui then called upon Major General Darryll Wong to deliver his remarks on behalf of the military as follows:

"Governor Abercrombie, Senate President Shan Tsutsui, House Speaker Calvin Say, Lieutenant Governor Brian Schatz, Walt Kaneakua, Ricky Oshiro, Marvin Buenconsejo, Rod Tanonaka, Bill Paty, Christine Kemmer, Members of the State Legislature, federal flag officers, veterans, and especially our esteemed families.

"I want to begin by thanking all of you for coming to this ceremony. Today marks the sixth year that State officials have gathered here in these Chambers for this solemn ceremony. The presentation of the Hawaii State Medal of Honor was the first of its kind in the nation and has since been emulated by several other states.

"As the newly appointed State Adjutant General, this is the first time that I've had the honor of addressing this assemblage, but it is my fervent wish that it will be the last ceremony of its kind. That will mean that no more Hawaii-based members of our Armed Forces would have paid the ultimate price in the global war on terrorism, and no more families would have to grieve for their loss. But our nation remains engaged in Iraq, Afghanistan, and elsewhere in Southwest Asia and the Horn of Africa. And therefore our men and women in uniform will continue to place themselves in harm's way for the sake and the security and the freedom of others.

"No one who puts on the uniform wants to die for their country, but they are nonetheless willing to if it means that others may live in peace and security. At the very least, such selflessness deserves public recognition of the highest order and that is why we are here today.

"The State Medal of Honor is Hawaii's way of remembering the Soldiers, Sailors, Airmen, Marines and Coast Guardsmen who have paid the ultimate sacrifice. To show our appreciation to their families, to share in their loss, and to assure them that they will always be a part of this State's Ohana or family. It doesn't matter if they were service members that grew up in Hawaii, or first set foot upon these beautiful islands as part of a Hawaii-based unit. He or she is still embraced as part of our family. There is no greater sacrifice a family can make than the loss of their loved one while in service to our nation, and there is no greater honor that the people of Hawaii can bestow upon them to symbolize that sacrifice.

"As this war on terrorism continues, it will remain our obligation to honor our selfless men and women in uniform and their families. It is the very least we can do for them after they have done so much for all of us. To the family and friends of our fallen heroes, I humbly ask that you accept this Hawaii Medal of Honor on behalf of the people of Hawaii who today and forever shall be your devoted family. Mahalo, and thank you."

The President then called upon the Honorable Neil Abercrombie to deliver his remarks as follows:

"Thank you, Mr. President. Welcome to all here, most especially to the families that have been able to join us today. I would like to begin my remarks with a passage that was taken from James Gould Cozzens in his great novel of World War II, *Guard of Honor*. It is taken from Shakespeare's *Tempest*.

I and my fellows are ministers of fate. The elements, of whom your swords are tempered, may as well wound the loud winds, or with bemocked-at stabs kill the still-closing waters, as diminish one drow that's in my plume. My fellow ministers are invulnerable.

"Cozzens understood with perhaps an artist's sensitivity and sensibility what it is that men and women had been called upon to endure in World War II. Suffice it to say that that kind of sacrifice has been asked again, and again, and yet again. Those who are here with us today understand that for however brief a time we were privileged and honored to have with us here in paradise, those we honor today.

"As a member of the Armed Services Committee of the United States House of Representatives for two decades it was my obligation and

responsibility to spend time among troops in the field, particularly in Iraq and Afghanistan. So I come to you today with these words of greeting and gratitude, bringing with me the sentiments of those who have been mentioned as part of the Congressional delegation, and from those who have served on the civilian side of responsibility with regard to what has been expected of men and women defending the strategic interest of the United States of America. That that commitment to peace, and justice, and freedom, and opportunity which was manifest in the lives that have been given are recognized here today and that those lives are held in our hearts and in our minds.

"One might say, and I expect one might find those who would dismiss a ceremony of this kind and find it to be ritualistic. After all, we've done this now as indicated by General Wong, six times. We hope not to have to do it a seventh, or an eighth, or an ninth, but should that occur and should that be a necessity, we will surely do it.

"And the reason is, is that ritual is the great conservator of values. The values that were given to these young men and women that they manifested in their lives, and in their commitment, and in their sacrifice, and we recognize it. It's important to recognize it. It's important that we who understand what that sacrifice was all about let you know that it continues in our hearts and in our minds. And so yes, we give a greeting to all of you today, but more than that we thank you. More than that we say to you, come again to paradise. More than that we say to you, you are part of our Ohana, part of our family here in paradise. Aloha, and Mahalo."

At this time, the President of the Senate and the Speaker of the House presented the Hawaii Medal of Honor. The Clerk of the Senate announced the names of the Hawaii Medal of Honor recipients, which was followed by the ringing of the memorial bell.

United States Army Corporal Toby R. Olsen.

Corporal Olsen was 28. He was from Manchester, New Hampshire but grew up in Hawaii, was a 1997 graduate of Mililani High School and served with the 3rd Battalion, 509th Infantry (Airborne), 4th Brigade Combat Team, 25th Infantry Division from Fort Richardson, Alaska. Here to receive his medal are his parents Colonel James Olsen and Elisabeth Olsen.

United States Army Private First Class JR Salvacion.

Private First Class Salvacion was 27. He was from Ewa Beach, Hawaii and was assigned to the 1st Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division from Fort Carson, Colorado. Here to receive his medal is his wife Joy Salvacion, his son Zildjian Salvacion and his mother Milagros Robiniol.

United States Army Private First Class Raymond N. Pacleb.

Private First Class Pacleb was 31. He was from Pearl City, Hawaii, a 1996 graduate of Pearl City High School and served with the 1st Battalion, 487th Field Artillery Regiment of the Hawaii National Guard from Wahiawa, Hawaii. Here to receive his medal is his sister Chanda Ferreira.

United States Army Sergeant Jamal M. Rhett.

Sergeant Rhett was 24. He was from Palmyra, New Jersey and served with the 1st Battalion, 21st Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division from Schofield Barracks, Hawaii. Here to receive his medal is his mother Michelle Watson.

United State Marine Corps First Lieutenant Scott J. Fleming.

First Lieutenant Fleming was 24. He was from Marietta, Georgia and served with the 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, 3rd Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal are his parents Joe and Joanne Fleming and his sister Andrea Fleming.

United States Army Sergeant David J. Luff Jr.

Sergeant Luff was 29. He was from Hamilton, Ohio and served with the 1st Battalion, 27th Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division from Schofield Barracks, Hawaii. Here to receive his

medal is his wife Katie Luff, their infant son Aiden and his mother-in-law Judy Halcombe.

United States Marine Corps Sergeant Matthew T. Abbate. Sergeant Abbate was 26. He was from Honolulu, Hawaii and served with the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force from Camp Pendleton, California. Here to receive his medal is his wife Stacie Rigall, his son Carson and his brother Elliott Abbate.

United States Army Sergeant Sean M. Collins. Sergeant Collins was 25. He was from Ewa Beach, Hawaii and served with the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division (Air Assault) from Fort Campbell, Kentucky. Here to receive his medal is his father Lieutenant Colonel retired Patrick Collins and his sister Deirdre Collins.

United States Marine Corps Lance Corporal Timothy J. Poole Jr. Lance Corporal Poole was 22. He was from Bowling Green, Kentucky and served with the 1st Battalion, 3rd Marines, 3rd Marine Division, 3rd Marine Expeditionary Force from Marine Corps Base Hawaii. Here to receive his medal is his father Timothy J. Poole Sr. and family friends Lieutenant Colonel Matthew Baker and Major Tom Grace.

The Clerk of the House proceeded to read the names of the other Hawaii Medal of Honor recipients whose friends and family could not be at the ceremony today:

United States Marine Corps Lance Corporal Noah M. Pier

United States Marine Corps Lance Corporal Curtis M. Swenson

United States Marine Corps Sergeant Joe L. Wrightsman

United States Marine Corps Private First Class Jake W. Suter

United States Army First Lieutenant Michael L. Runyan

United States Army Staff Sergeant Philip C. Jenkins

United States Army Private First Class James F. McClamrock

United States Army Staff Sergeant Aracely Gonzalez O'Malley

At this time, Members of the Hickam Base Honor Guard proceeded with a 21-gun Salute and the playing of Taps outside the Senate Chamber in the Capitol Rotunda, which was then followed by a moment of silence.

Speaker Say then gave his closing remarks as follows:

"Guests, friends and Members, please take your seats. To all of you, thank you for your participation in this ceremony.

"Thank you especially for your display of commendation, respect, and gratitude for the sacrifice of the young people we have honored today.

"Thank you also for the honor you have bestowed upon their families.

"During these times of ceremonies, we are reminded of what not to take for granted. We should not take for granted our family and friends, our standard of living, and our appreciation of innovation, individualism, and self-expression. We should not take for granted our multi-cultural, multi-religious, multi-ethnic society of tolerance, which is the basis for our moral authority in the world today. Most importantly, we should never take for granted our freedom, dearly earned and preserved by the young people honored today and their predecessors.

"I am sure that they would join me in saying: God Bless America!

"Members of the House and Senate, and special guests, please stand for the retiring of the colors."

The Speaker of the House then called on the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard for the retiring of the Colors, and at 2:49 o'clock p.m., declared the Joint Session of the Senate and the House of Representatives adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, March 31, 2011.

HOUSE COMMUNICATIONS

House Communication dated March 29, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 319, HD 1, SD 1

H.B. No. 1654, HD 1, SD 1



SYMBOLISM OF THE HAWAII MEDAL OF HONOR

The Hawaii Medal of Honor was designed by Sergeant First Class Aaron Pollick from the Hawaii Army National Guard. This medal consists of the following six components, superimposed on each other:

Circle of Kalo Leaves: The kalo leaves represent the family or Ohana. The leaves are designed in an encircled fashion and represent the concept of Ohana, which we strive to embrace.

Coat of Arms: The Great Shield is the keystone of the design. The eight bars represent the eight major islands of the state of Hawaii. The kapu sticks, or Pulo'ulo'u, symbolize authority and protection. The star in the center of the medallion is the Star of Hawaii, the 50th star on the flag of the United States. This star also represents the honorees of this prestigious award.

Maltese Cross: The Maltese Cross represents the four directional axes of the globe, denoting Hawaii as the Crossroads of the Pacific.

Sun Rays: The irradiant sun is symbolic of the new era. Its position in the center of the Maltese Cross represents our sunny shores and warm hearts ever shining on all the corners of the world.

The Neck Drape: The neck drape is red and golden yellow in color. These colors symbolize the royal monarchy that once ruled these islands. The red represents courage and strength. The golden yellow depicts the honor that the recipients have brought to our islands.

Service Ribbon & Attachment: The service ribbon represents distinguished service. Its colors are identical to the colors of the neck drape. The attachment device at the middle of the ribbon is an ancient flag or puela of Hawaiian Chiefs. In olden times, the puela was raised above the sail of the ancient Hawaiians' canoes while at sea. Our puela signifies that the person receiving this medal is of high rank or honor.

JOINT SESSION OF THE HAWAII STATE LEGISLATURE SENATE CHAMBER

March 29, 2011
2:00 P.M.

HAWAII MEDAL OF HONOR PROGRAM

Call to Order	Senate President Shan S. Tsutsui
Posting of the Colors	United States Pacific Command Joint Service Color Guard Hawaii Air National Guard Royal Guard
National Anthem and Hawaii Pono'i	Ms. Jennifer L.Z. Lee
Invocation	Raymond Ganotise MSG (Ret.), Hawaii Army National Guard
Welcome and Introduction of Guests	Senate President Shan S. Tsutsui
Governor's Message	Governor Neil Abercrombie
Military Address	Major General Darryll D.M. Wong
Hawaii Medal of Honor Presentation	House Speaker Calvin K.Y. Say Senate President Shan S. Tsutsui Governor Neil Abercrombie Major General Darryll D.M. Wong
Presentation of Certificates	Lieutenant Governor Brian Schatz Senator Will Espero Representative Henry J.C. Aquino
Rendering of Honors	United States Navy Detachment Honor Guard
21-Gun Salute/Taps	Hickam Base Honor Guard
Taps	Marine Forces Pacific Band
Closing Remarks	House Speaker Calvin K.Y. Say
Retiring of the Colors	

2011 HAWAII MEDAL OF HONOR RECIPIENTS

United States Army Specialist Toby R. Olsen
 United States Marine Corps Lance Corporal Timothy J. Poole Jr.
 United States Marine Corps Lance Corporal Noah M. Pier
 United States Army Private First Class JR Salvacion
 United States Army Private First Class Raymond N. Pacleb
 United States Marine Corps Lance Corporal Curtis M. Swenson
 United States Marine Corps Private First Class Jake W. Suter
 United States Marine Corps Corporal Joe L. Wrightsman
 United States Army First Lieutenant Michael L. Runyan
 United States Army Sergeant Jamal M. Rhett
 United States Army Staff Sergeant Philip C. Jenkins
 United States Army Private First Class James F. McClamrock
 United States Marine Corps First Lieutenant Scott J. Fleming
 United States Army Sergeant Aracely Gonzalez O'Malley
 United States Army Sergeant David J. Luff Jr.
 United States Marine Corps Sergeant Matthew T. Abbate
 United States Army Corporal Sean M. Collins

Specialist Olsen was awarded the HMOH in 2007; however, his family will be receiving the award at this year's ceremony.

From House Bill 8, designated as Act 21, Session Laws of Hawaii of 2005:

"The purpose of this Act is to provide for a Hawaii Medal of Honor that would help express the deep appreciation and gratitude of the People of Hawaii to the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedoms."

ACKNOWLEDGEMENTS

Carol Taniguchi, Senate Chief Clerk & her staff
Patricia A. Mau-Shimizu, House Chief Clerk & her staff
Ben Villaflor, Senate Sergeant-at-Arms & his staff
Kevin R. Kuroda, House Sergeant-at-Arms & his staff
CJ Leong, House Majority Staff Office & her staff
Elisia Lukasik, United States Pacific Command
Kole M. Miller, Chief of Protocol, 25th Infantry Division
Ms. Ernestine Pratt, United States Army
Mr. Peter Swainson, Marine Corps Base Hawaii
CWO2 Alfred S. Sprung, Marine Corps Base Hawaii
CWO4 K. Maurice Honeywood, Marine Corps Base Hawaii
Mr. Leighton Siu
Sergeant First Class Aaron R. Pollick
Kent Untermann & Valerie Wang, Pictures Plus
Rose Lee, Rose Lee's Alterations
Ty & Cindy Tamanaha, Awardline
Pearl Harbor Historic Sites
 Paul DePrey, USS Arizona Memorial & World War II Valor in the
 Pacific National Monument
 Gerald Hofwolt, USS Bowfin Submarine Museum & Park
 Michael Carr, Battleship Missouri Memorial
 Kenneth DeHoff, Pacific Aviation Museum – Pearl Harbor
Lucy Lau, Hale Koa Hotel
Shaun Singh, Polynesian Cultural Center
Mufi Hannemann, Hawaii Hotel & Lodging Association
Sidney Louie, Morris Visitor Publication
Mark Pokraka, Aloha Diners Club
Girl Scouts of Hawaii
Capitol TV

Planning Committee:

Senate President Shan Tsutsui
House Speaker Calvin K.Y. Say
Senator Will Espero
Representative Henry J.C. Aquino
Representative K. Mark Takai
Major General Darryll D.M. Wong
Carol Taniguchi, Senate Chief Clerk
Patricia A. Mau-Shimizu, House Chief Clerk
Ben Villaflor, Senate Sergeant-at-Arms
Kevin R. Kuroda, House Sergeant-at-Arms
Ross Tsukenjo
Marlene Uesugi
Lisa Vargas

Special Acknowledgement:

Representative K. Mark Takai and Ms. Lisa Vargas for their unwavering commitment over the past six years to honor these families and for their tireless efforts to ensure that each designated medal is received by the intended family.

FORTIETH DAY

Thursday, March 31, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Ching, M. Oshiro and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Ninth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 185) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 185, dated March 22, 2011, transmitting a letter pursuant to Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of S.B. No. 1293, Making Emergency Appropriations for the Department of Human Services, to appropriate funds for general assistance, cash support, work program services and maintenance of effort contracts in the Department of Human Services for fiscal year 2010-2011.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 381) was received and announced by the Clerk:

Sen. Com. No. 381, dated March 29, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bill:

S.B. No. 34, SD 1, HD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 81 and 82) were received by the Clerk and were placed on file:

Dept. Com. No. 81, dated March 11, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the Report on Internal Control over Financial Reporting and on Compliance and Other Matters as of June 30, 2001, issued in conjunction with the audit of State of Hawaii's Comprehensive Annual Financial Report, previously submitted.

Dept. Com. No. 82, dated March 16, 2011, from Kalbert K. Young, Interim Director of Finance, Department of Budget and Finance, transmitting Notification to the Legislature, pursuant to Section 37-46, HRS, Transfers from Non-General Funds to General Fund FY 11, February 17, 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Ito congratulated the Hawaii Venture Crew 123 on their many awards at the national Rifle Association's 2010 National Air Gun Championship in Albuquerque, New Mexico:

Christopher Lam, 3rd Place in the Individual Sporter Division, Junior Category;
Kristy Inouye, 2nd Place in the Individual Sporter Division, Junior Category; and
Keanu Paikai, 1st Place in the individual Sporter Division, Intermediate Junior Category, and future Olympic hopeful.

Team Members Christopher Lam, Kristy Inouye, Keanu Paikai, and Peter Mathre, 2nd Place Team Honors in the Open Division; and
Team Members Kelly Lam, Nicholas Hadap, Michael Loui, and Alec Pura, 1st Place Team Honors in the Club Category.

Representative Ito also recognized the selfless dedication and commitment of the Advisors and Coaches to the success of the team:

Crew Advisor and Coach Mr. Delwin Dang;
Crew Associate Advisor and Coach Mr. Desmond Lam; and
Committee Chairperson Ms. Yvette Lam.

Representative Fontaine introduced his wife, Mrs. Paige Fontaine of Maui.

Representative Morikawa introduced her husband, Mr. Ken Morikawa, and their friend, Ms. Suann Miyata.

Representative Takai, on behalf of Representative Takumi and himself, introduced 5th grade students from Pearl City Elementary School. They were accompanied by their Chaperones, Ms. Sherri Takamoto, Ms. Fran Tabisola, Ms. Caryn Nunokawa, Mr. James Passi, and Ms. Charlyn Tahara.

Representative Tokioka introduced Aunty Louise Yates and her daughter Monica Kaawai of Kauai.

Representative Hashem introduced Mr. Stirling Aponte, a freshman at Mid-Pacific Institute participating in the ILH Track and Field Championships today. He was accompanied by his coach, Mr. Casey Nishimura.

Representative B. Oshiro introduced his friends and constituents, Mr. Christopher Teves, and his mother Ms. Melissa Pavlecek.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 295) was announced by the Clerk and the following action taken:

H.R. No. 295, entitled: "HOUSE RESOLUTION COMMENDING CBS, AND THE PRODUCERS, CAST AND CREW OF HAWAII FIVE-0 FOR AN EXCELLENT AND SUCCESSFUL FIRST SEASON," was jointly offered by Representatives Takai, and C. Lee.

Representative Takai moved that H.R. No. 295 be adopted, seconded by Representative C. Lee.

Representative Takai applauded the efforts of CBS, and the producers, cast and crew of Hawaii Five-0, and thanked them for making a beloved show even better, and showcasing the beauty and culture of Hawaii.

Representative C. Lee then introduced the honorees seated on the Floor of the House:

Mr. Glenn Geller, Sr. Vice President of Current Programming for CBS Paramount Network Television;

Mr. Peter Lenkov, Executive Producer for Hawaii-Five-0;

Mr. Alex O'Loughlin, the new incarnation of Steve McGarrett; and

Mr. Daniel Dae Kim, who plays Chin Ho Kelly.

Representative Takai then introduced a member of the original Hawaii Five-0 cast who was seated on the Floor of the House:

Mr. Al Harrington, who played Detective Ben Kokua.

Representative Takai then recognized the members of the production team, support crew, and family, as well as those involved with Hawaii's film industry who were seated in the gallery:

Mr. Paul Zbyszewski, Co-Executive Producer;
Mr. Brad Turner, Co-Executive Producer and Director;
Mr. Jeffrey Downer, Producer and Unit Production Manager;
Mr. Angela Laprete, Production Supervisor;
Mr. Jessica Petelle, Coordinating Producer;
Ms. Erika Kauffman, Unit Publicist;
Ms. Diana Jackson, Assistant to Mr. Alex O'Loughlin;
Mrs. Mia Kim, wife of Mr. Daniel Dae Kim;
Ms. Walea Constantinau, Honolulu Film Commissioner;
Ms. Georja Skinner of the State Film Office, Administrative Creative Industries Division; and
Senator, Michelle Kidani, an extra for Hawaii-Five-0.

The motion was put to vote by the Chair and carried, and H.R. No. 295 was adopted, with Representatives Ching and Takumi being excused.

At this time the Chair invited Mr. Glenn Geller to the rostrum to address the Members of the House and audience.

"Thank you, Speaker of the House, Representative Takai, Representative Lee, and the Hawaii State House of Representatives. On behalf of the producers, the cast of Hawaii Five-0 and everyone at CBS, it is a privilege to be here today and accept this commendation. All of us are deeply honored to be part of a show that has such rich history for both Hawaii and for CBS. The generosity shown to CBS and Hawaii Five-0 over the past 43 years by the Hawaiian people has been incredible and it continues today as the Members of the House and the Senate honor Hawaii's show.

"So in the television business nothing is a sure thing. We compete in a creative landscape where many new series show promise, but ultimately fail to succeed. Growing a series from infancy is difficult enough, but bringing back such an iconic show after more than 40 years frankly is downright daunting. But aside from great storytelling and acting and production values and perhaps the best theme song ever, we also have something that gives us a distinct advantage. So with all due respect to the mainland, Hawaii, your great state, provides a backdrop like none other.

"We sometimes call Oahu the fifth character in the show and without a doubt it is one of the driving forces in our success as we complete the first season of our second incarnation. The tropical Hawaiian setting is enough to make mainland viewers watching Five-0 want to run to their travel agents immediately. The beauty of your State is so compelling it has allowed us to showcase the spirit of aloha every Monday night to anyone that lives everywhere else in the United States. That spirit is embodied in the iconic characters that America has come to know and love simply as McGarrett, Danno, Chin Ho, and Kono.

"It's my hope and belief that the relationship between the show and the State haven't been totally one sided. In addition to promoting Five-0 as a tourist destination, the show also employs 200 Hawaiians and invests nearly \$40 million annually in the local economy. The hardworking cast and crew occupy homes, apartments and hotels. We eat in your restaurants, shop in your stores. Essentially, your home has become our home. We tap into a wide range of local goods and services necessary to keep a production of this size and scope operating smoothly for 12 hours a day, at least five days a week.

"So I want to commend and thank the Governor and this Legislature for your forward thinking approach to stimulating local production here on the islands. Not every state has done so and consequently they are seeing local productions migrate to states and locations that share your wisdom and common beliefs in the symbiotic relationship between local TV and movie productions and local economies. In fact, I think anyone would be hard pressed to find a better example of the creative process, local business and state governments working together for the success of all, than right here in Hawaii.

"So from all of us at Hawaii Five-0 and CBS, we thank you once again not only for today's honor and commendation, but as we look towards the future, towards years of a mutually beneficial relationship and we hope that that will continue to pay dividends for all of us for many years to come. Mahalo."

The Chair then stated:

"Mr. Geller, thank you very much for the warm words of aloha to the people of the State of Hawaii and to the Hawaii State House of Representatives. Your support, your confidence and your commitment in having Hawaii Five-0 here is a testament of CBS's support for all of us here in the State of Hawaii.

"Members of the House, today we will deviate from our normal practice of meeting and shaking hands with the guests who are here on the Floor. We will instead be taking a photo of all of us here on the rostrum. So Members, would you please come to the rostrum for a photo shoot with the Executive Producers, Directors and the actors in one group photo."

At 12:33 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

The following resolution (H.R. No. 296) was announced by the Clerk and the following action taken:

H.R. No. 296, entitled: "HOUSE RESOLUTION HONORING MAUI'S PANIOLLO LIVING TREASURES: CHARLES A. KAHALEAUKI SR., CHARLES "CHUNGA" A. KAHALEAUKI JR., FRANCIS NAPUA PO'OUAHI, AND CARL "SOOT" H. BREDHOFF JR., OF KAUPU RANCH; AND MERTON G. KEKIWI SR., OF ULUPALAKUA RANCH," was offered by Representative Carroll.

Representative Carroll moved that H.R. No. 296 be adopted, seconded by Representative Yamashita.

Representative Carroll honored the Paniolo for their hard work, and dedication to preserving the unique culture, traditions and way of life of Hawaii's cowboys.

Representative Carroll then introduced Maui's Paniolo Living Treasures who were seated on the Floor of the House:

Mr. Francis Napua Po'ouahi of Kaupo Ranch;

Mr. Charles 'Chunga' A. Kahaleauki, Jr. of Kaupo Ranch;

Mr. Carl 'Soot' H. Bredhoff, Jr. of Kaupo Ranch; and

Mr. Charles A. Kahaleauki, Sr. of Kaupo Ranch who was unable to attend.

Representative Yamashita then introduced the final honoree who was seated on the Floor of the House:

Mr. Merton G. Kekiwi Sr. of Ulapualakua Ranch.

Representative Carroll then introduced paniolo, Mr. Kawika Kamai of Maui who was seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 296 was adopted, with Representative Takumi being excused.

At 12:48 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

UNFINISHED BUSINESS

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1237) recommending that H.R. No. 30, be adopted; and

(Stand. Com. Rep. No. 1238) recommending that H.C.R. No. 37, be adopted.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report Nos. 1237 and 1238, that H.R. No. 30 and H.C.R. No. 37, be recommitted to the Committee on International Affairs, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.R. No. 30, entitled: "HOUSE RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, ACADEMIC, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was recommitted to the Committee on International Affairs, with Representatives Herkes, McKelvey and Takumi being excused; and

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, ACADEMIC, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was recommitted to the Committee on International Affairs, with Representatives Herkes, McKelvey and Takumi being excused.

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1243), recommending that H.R. No. 22, be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 22, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS ASSOCIATED WITH ALL-TERRAIN VEHICLE," was referred to the Committee on Health, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1244), recommending that H.C.R. No. 19, be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE INFORMATION ON ANNUAL INJURIES AND DEATHS ASSOCIATED WITH ALL-TERRAIN VEHICLE," was referred to the Committee on Health, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1245), recommending that H.R. No. 26, 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. 26, entitled: "HOUSE RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-14.1(2) OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was referred to the Committee on Judiciary, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1246), recommending that H.C.R. No. 30, 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. 30, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-14.1(2) OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was referred to the Committee on Judiciary, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1247), recommending that H.R. No. 92, 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. 92, entitled: "HOUSE RESOLUTION REQUESTING A PILOT PROJECT TO STUDY AND REDUCE THE MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H-2 FREEWAY FROM MILILANI MAUKA," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1248), recommending that H.C.R. No. 101, 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. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PILOT PROJECT TO STUDY AND REDUCE THE MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H-2 FREEWAY FROM MILILANI MAUKA," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1249), recommending that H.R. No. 39, 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. 39, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY RELATING TO SAFETY IMPROVEMENTS ON ROOSEVELT BRIDGE," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1250), recommending that H.C.R. No. 45, 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. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY RELATING TO SAFETY IMPROVEMENTS ON ROOSEVELT BRIDGE," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1251), recommending that H.R. No. 73, 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. 73, entitled: "HOUSE RESOLUTION REQUESTING THE

CONVENING OF A WORKING GROUP TO ADDRESS THE JURISDICTIONAL DISPUTES BETWEEN THE STATE AND THE COUNTIES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF ROADWAYS," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1252), recommending that H.C.R. No. 81, 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. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO ADDRESS THE JURISDICTIONAL DISPUTES BETWEEN THE STATE AND THE COUNTIES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF ROADWAYS," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representatives Tsuji and McKelvey, for the Committee on Agriculture and the Committee on Economic Revitalization & Business presented two reports:

(Stand. Com. Rep. No. 1253), recommending that H.R. No. 108, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1254), recommending that H.C.R. No. 124, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 108; and H.C.R. No. 124, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, just in strong support with written comments, Mr. Speaker. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.R. 108/H.C.R. 124 – REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS.

"As many of you know, my office has launched a health initiative to address diabetes called the Liliha Vitality Project. One of the aspects of the initiative is to provide convenient access to fresh fruits and vegetables. I support these resolutions because it is in line with the goals of the Liliha Vitality Project (or LVP), it provides Hawaii agriculture businesses with a reliable market, and increases the availability of locally-grown products. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused; and

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS

TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1255), recommending that H.R. No. 145, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT," was referred to the Committee on Education, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1256), recommending that H.C.R. No. 167, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT," was referred to the Committee on Education, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1257), recommending that H.C.R. No. 235, be referred to the Committee on 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. 235, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO ADOPT THE INTERNATIONAL LABOUR ORGANIZATION "CONVENTION CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES"," was referred to the Committee on International Affairs, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1258), recommending that H.R. No. 245, 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 Committee was adopted and H.R. No. 245, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO MEASURE THE EFFECTIVENESS OF THE POST RETIREMENT ALLOWANCE IN FULFILLING ITS PURPOSE TO HELP OFFSET THE RISING COST OF LIVING AND KEEP UP WITH INFLATION," was referred to the Committee on Legislative Management, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1259), recommending that H.C.R. No. 278, 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 Committee was adopted and H.C.R. No. 278, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO MEASURE THE EFFECTIVENESS OF THE POST RETIREMENT ALLOWANCE IN FULFILLING ITS PURPOSE TO HELP OFFSET THE RISING COST OF LIVING AND KEEP UP

WITH INFLATION," was referred to the Committee on Legislative Management, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1260), recommending that H.C.R. No. 160, 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. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF ALL ENERGY EFFICIENCY PROJECTS," was referred to the Committee on Legislative Management, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Coffman, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1261), recommending that H.R. No. 89, be referred to the Committee on Higher Education; and

(Stand. Com. Rep. No. 1262), recommending that H.C.R. No. 97, be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 89; and H.C.R. No. 97, be referred to the Committee on Higher Education, seconded by Representative Evans.

Representative Hanohano 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. 89, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM TO REVIEW THE EFFECTS OF CLIMATE CHANGE ON HAWAII'S COASTAL AND MARINE RESOURCES," was referred to the Committee on Higher Education, with Representatives Herkes, McKelvey and Takumi being excused; and

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM TO REVIEW THE EFFECTS OF CLIMATE CHANGE ON HAWAII'S COASTAL AND MARINE RESOURCES," was referred to the Committee on Higher Education, with Representatives Herkes, McKelvey and Takumi being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1263), recommending that H.C.R. No. 79, 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 Committee was adopted and H.C.R. No. 79, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER LARGE SCALE DOG BREEDERS SHOULD BE LICENSED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was referred to the Committee on Legislative Management, with Representatives Herkes, McKelvey and Takumi being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1264), recommending that H.C.R. No. 117, 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 Committees was adopted and H.C.R. No. 117, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A HAWAIIAN CULTURAL RESOURCES WORKING GROUP TO DEVELOP AN ACTION PLAN

FOR THE ESTABLISHMENT AND MAINTENANCE OF A COMPREHENSIVE HAWAIIAN CULTURAL RESOURCES INVENTORY DATABASE," was referred to the Committee on Finance, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1265), recommending that H.C.R. No. 107, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 107, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with some slight reservations and a brief comment, please. Thank you. Mr. Speaker, this reso is about opening an investigation regarding about a hundred year old agreement between the US and the Kingdom of Hawaii through Queen Liliuokalani. I know the saying is if you don't know history you are destined to repeat it. But my question is, is the purpose of this reso to clarify history, or to pick a fight between competing Hawaiian interests and/or between other groups in Hawaii. Let's be clear that investigative committees sometimes get out of hand, they can become witch hunts, they can become pejorative statements and revision of history.

"My hope is if this measure passes that we will approach this subject rationally, maybe even passionately at times, but we'll get to the core what the facts are and not have it spin into something that is unintentional or something that leads astray the people of Hawaii, the state of aloha. Thank you, Mr. Speaker."

Representative Pine 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.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO INVESTIGATE THE STATUS OF TWO EXECUTIVE AGREEMENTS ENTERED INTO IN 1893 BETWEEN UNITED STATES PRESIDENT GROVER CLEVELAND AND QUEEN LILIUOKALANI OF THE HAWAIIAN KINGDOM, CALLED THE LILIUOKALANI ASSIGNMENT AND THE AGREEMENT OF RESTORATION," was referred to the Committee on Judiciary, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1266), recommending that H.C.R. No. 113, as amended in HD 1, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 113, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HAWAII HIGH SCHOOLS TO PROVIDE HAWAIIAN LANGUAGE CLASSES," was referred to the Committee on Education, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1267), recommending that H.C.R. No. 116, as amended in HD 1, 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. 116, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO REPORT ON EARLY INTERVENTION STRATEGIES AND RESOURCES TO MITIGATE ANTISOCIAL BEHAVIOR AND AVERT INCARCERATION AND RECIDIVISM AMONG NATIVE

HAWAIIANS," was referred to the Committee on Judiciary, with Representatives Herkes, McKelvey and Takumi being excused.

Representatives Cabanilla and Chang, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1268) recommending that H.R. No. 47, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1269) recommending that H.C.R. No. 54, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 47, HD 1; and H.C.R. No. 54, HD 1, be adopted, seconded by Representative Evans.

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker, I have reservations on Stand. Com. Rep. Nos. 1268 and 1269 due to the cost. I'd rather have it be a study to see whether this concept makes sense. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 47, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was adopted, with Representatives Herkes, McKelvey and Takumi being excused; and

H.C.R. No. 54, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE BUILDING CODE COUNCIL TO ADOPT THE REQUIREMENT THAT AUTOMATIC FIRE SPRINKLERS BE INSTALLED IN NEW ONE- AND TWO-FAMILY DWELLINGS," was adopted, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1270) recommending that H.R. No. 37, 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. 37, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE EDUCATION OF HAWAII'S DRIVERS REGARDING THEIR RESPONSIBILITIES TO BLIND PEDESTRIANS," was adopted, with Representatives Herkes, McKelvey and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1271) recommending that H.C.R. No. 43, 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. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE EDUCATION OF HAWAII'S DRIVERS REGARDING THEIR RESPONSIBILITIES TO BLIND PEDESTRIANS," was adopted, with Representatives Herkes, McKelvey and Takumi being excused.

ANNOUNCEMENTS

Representative Carroll: "Thank you, Mr. Speaker. I'd like to invite all of the Members here to a special luncheon honoring our Maui's paniolo living treasures in Room 423 at 1:00. Thank you."

Representative Takai: "Thank you, Mr. Speaker, I'd also like to announce to the Members another lunch, so I think you can have your fill

today of beef stew or beef stew. Our beef stew lunch is in Room 309 and unfortunately we lost the CBS cast and the crew because they had to go to film. But we do have Georja and Walea here to talk about the film industry. Thank you, Mr. Speaker."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R. Nos.

Re-referred to:

158	Committee on Finance
159	Committee on Finance
160	Committee on Finance
162	Committee on Finance
163	Committee on Finance
207	Committee on Agriculture, then to the Committee on Finance
248	Committee on Health, then to the Committee on Finance

H.C.R. Nos.

Re-referred to:

184	Committee on Finance
185	Committee on Finance
186	Committee on Finance
188	Committee on Finance
189	Committee on Finance
244	Committee on Agriculture, then to the Committee on Finance
281	Committee on Health, then to the Committee on Finance

S.B. No.

Re-referred to:

199, SD2	Committee on Finance
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ADJOURNMENT

At 1:05 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, Friday, April 1, 2011. (Representatives Herkes, McKelvey and Takumi were excused.)



Members of the Hawaii State House of Representatives and Honorees after the passage of H.R. No. 295, "Commending CBS, and the Producers, Cast and Crew of Hawaii Five-0 for an Excellent and Successful First Season."
 Honorees (back row center, left to right): Alex O'Loughlin (Steve McGarrett), Daniel Dae Kim (Chin Ho Kelly), Peter Lenkov (Executive Producer), Glenn Geller (Sr. Vice President of Current Programming for CBS Paramount Network Television) and Al Harrington (Detective Ben Kokua on the original Hawaii Five-0).

FORTY-FIRST DAY

Friday, April 1, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Ching, Hashem, Ito, Souki and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fortieth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 191) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 191, dated March 29, 2011, transmitting proposed changes to the FB 2011-13 Executive Budget for the Department of Accounting and General Services, Office of the Governor, and Department of Land and Natural Resources. [H.B. No. 200]

1. Add \$1,300,000 for FY 12 and \$700,000 for FY 13 in general funds for increases in electricity expenditure and water/sewer charges.
2. Add \$1,200,000 for FY 12 and \$1,200,000 for FY 13 in Special Funds for the Office of the Governor Program.
3. Add \$475,000 for FY 12 in general funds for the Natural and Physical Environment Program.
4. Add \$7,800,000 for FY 12 in general obligation bonds for a capital improvement project request for the Natural and Physical Environment Program.
5. Add \$2,500,000 for FY 12 in county funds for a capital improvement project for the Public Lands Management Program.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 382) was received and announced by the Clerk:

Sen. Com. No. 382, dated March 31, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

- S.B. No. 1069, SD 1, HD 1
S.B. No. 1489, SD 1, HD 1

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative M. Lee introduced her son, Mr. John Lee, a professor at the University of California, Santa Barbara.

Representative Johanson introduced his friend and former colleague at the Office of Presidential Personnel, Mr. JB Horton from Texas.

Representative Ward introduced a former Peace Corp volunteer, Mr. Chuck Freedman.

Representative Awana introduced individuals from across the Asia-Pacific region participating in the Pacific Forum CSIS Young Leaders program:

- Mr. Julio Amador, Foreign Service Institute;
Mr. Nien-Chung Chang Liao, Natinoal Chengchi University;

Mr. Sungmin Cho, Pacific Forum CSIS;
Ms. Linnea Duvall, US Pacific Command;
Ms. Eleni Ekmektsioglou, Pacific Forum CSIS;
Ms. Christina Failma, Pacific Forum CSIS;
Sr. Col. Gaoyue Fan, Pacific Forum CSIS;
Mr. David Janes, United States-Japan Foundation;
Mr. Kei Koga, Nanyang Technological University;
Dr. Mingjiang Li, Nanyang Technological University;
Ms. Lynn Maehara, Pacific Forum CSIS;
Ms. Alisa Modica, University of Hawaii;
Mr. Ivan Rasmussen, Tufts University;
Mr. Max Rebol, Fudan University;
Mr. Eric Sayers, Pacific Forum CSIS;
Ms. Yujing Shentu, East-West Center;
Dr. Ta Minh Tuan, Pacific Forum CSIS;
Ms. Di Wang, Texas A&M University;
Mr. Kyle Wachi, Consulate General of Japan;
Mrs. Adrian Yi, Pacific Forum CSIS; and
Ms. Xioyi Audrey Ze, University of Hawaii.

Representative Awana also recognized other program participants:

Ms. Adrian Yi and Ms. Christina Hatfield with the Pacific Forum, CSIS;
Sir William Souza from Royal Order of Kamehameha;
Mr. Jan Rumi from the Office of the Morocco Honorary Consulate; and
Mr. Aliman Sears from the Community Empowerment Services.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 297) was announced by the Clerk and the following action taken:

H.R. No. 297, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING HENK ROGERS, BLUE PLANET FOUNDATION, ITS BOARD OF DIRECTORS, AND STAFF FOR EXEMPLARY COMMITMENT TO THE HAWAIIAN ISLANDS," was offered by Representative M. Oshiro.

Representative M. Oshiro moved that H.R. No. 297 be adopted, seconded by Representative Coffman.

Representative M. Oshiro commended the Blue Planet Foundation for their dedication and efforts to end Hawaii's and the world's dependence on fossil fuel, and introduced the honorees seated on the Floor of the House:

Mr. Henk Rogers, Founder and Chairman of Blue Planet Foundation;
Mrs. Akemi Rogers, Board Member;
Mr. Jeff Mikulina, Executive Director;
Mr. Stanley Hong, Board Member; and
Former Governor George Ariyoshi, Board Member.

Representative Coffman then introduced Blue Planet Foundation staff members who were seated in the gallery:

Mr. Francois Rogers, Special Projects Director;
Mr. David Aquino, Project Specialist;
Mr. Eric Batalon, Volunteer Manager;
Ms. Catherine Lo, Communications Director;
Ms. Ivory McClintock, Program Specialist; and
Mr. Doug Codiga and Mr. Mike Champley, Consultants.

Representative Coffman also introduced family members seated in the gallery:

Mr. Henk and Mrs. Akemi Roger's family
Daughter, Mrs. Maya Rogers Kiyomura, and her husband, Mr. Roger Kiyomura;

Daughter, Ms. Julie Rogers;
Sons, Mr. Michael Rogers and Mr. Leo Rogers; and
Granddaughter, Miss Honey Rogers.

Mr. Jeff Mikulina's family
Mr. Tom and Mrs. Lynne Mikulina of Wisconsin.

The motion was put to vote by the Chair and carried, and H.R. No. 297 was adopted, with Representatives Ching, Takumi and Wooley being excused.

The following resolution (H.R. No. 298) was announced by the Clerk and the following action taken:

H.R. No. 298, entitled: "HOUSE RESOLUTION CONGRATULATING AND RECOGNIZING THE 'EWA ALL-STARS TEAM FOR WINNING THE PONY BRONCO DIVISION WORLD SERIES CHAMPIONSHIP," was jointly offered by Representatives Pine, Hanohano, Mizuno, Johanson and Ward.

Representative Pine moved that H.R. No. 298 be adopted, seconded by Representative Cabanilla.

Representative Pine commended the 'Ewa All-Stars baseball team for their winning spirit and inspiration, and introduced the honorees seated on the Floor of the House:

Mr. Randall Wago, Manager; and
Team Co-Captains:
Mr. Chase Wago, Pitcher, First base and Outfield;
Mr. Dorrien Hermosura, Pitcher;
Mr. Jobe Ibana, Shortstop and Catcher; and
Mr. Bula Sprinkel, Outfield.

Representative Cabanilla also congratulated the 'Ewa All-Stars and introduced other members of the team seated in the gallery:

Assistant Coaches, Mr. Shag Hermosura, Mr. Dean Ibana and Mr. Greg Palipti.

Team Members, Mr. Justin Areola, Mr. Darren Gallano, Mr. Garrison Gamil, Mr. Kainoa Ganancial, Mr. Ian Kahaloa, Mr. Christian James CJ Laroco, Mr. Jake Mendoza, Mr. Gaston Palipti, Mr. Chevez Rusty Pascua and Mr. Hugh Yamashiro.

Team Moms, Ms. Robyn Wago and Ms. Yvette Palipti.

The motion was put to vote by the Chair and carried, and H.R. No. 298 was adopted, with Representatives Belatti, Takumi and Wooley being excused.

At 12:35 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative McKelvey, for the Committee on Economic Revitalization & Business presented two reports:

(Stand. Com. Rep. No. 1272), recommending that H.R. No. 139, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1273), recommending that H.C.R. No. 159, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 139; and H.C.R. No. 159, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, I rise in opposition to the Hawaii State Bank. Mr. Speaker, in our opening prayer, Reverend Heidele said we should be mindful of the moral principles that tie us together. This means for this bill we should be mindful of the economic principles that divide us."

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. This isn't a bill, so he should refer to it as a resolution."

The Chair then stated:

"Thank you, very much. Representative Ward, this is a resolution."

Representative Ward continued, stating:

"I think it used to be a bill, which is probably why I'm speaking, because in the beginning it was a bill to establish the State Bank of Hawaii. Thank you, Majority Leader, for reminding me how bad it was when it said that the Governor of the State of Hawaii was going to be the Chairman of the Board, and his political appointees were going to be the directors. This bill, for some of us, I think that the job of the private sector is business, and the job of the public sector is government. This is crossing the line.

"And now the good thing is, and why I voted against this bill before I voted for it ..."

Representative B. Oshiro rose to a point of order, stating:

"Mr. Speaker, point of order."

Representative Ward: "I'm getting to the point."

Representative B. Oshiro: "Under Mason's he should just be talking about the measure that's before us. Section 101 doesn't allow him to refer to bills. Please just refer to the reso and the contents in the reso so we can move on because it is going to Finance and I'm sure he's going to have another opportunity in Finance. Thank you."

Vice Speaker Manahan: "Representative Ward, please confine your comments to the reso."

Representative Ward: "Mr. Speaker, I'm impressed with the sensitivity, and flattered by the Majority Leader standing to make sure I don't say anything that makes this bill look even worse than it actually is."

Vice Speaker Manahan: "Representative Ward, this is a resolution."

Representative Ward: "This reso. Excuse me, this resolution any worse than it actually is. And why that is, is because usually when we do a task force in a resolution, all we say is, 'we recommend,' or 'we suggest' in the task force. That is recommend stuff. This one says to make actual implementation plans. That's going a little bit over the line which I think economically speaking, it goes over the line because the American Bankers Association and others have said, 'We don't need this. Who is short of loans? The banks are still open. The loans are still available.'

"Just because North Dakota did it a hundred years ago and they've got a bit of a surplus, they're helping the economy out, I don't think we should take resources in our government to do this, nor take resources out of what now I think is the Bank of Hawaii who has our current account, or other banks, to siphon into the government and to pretend that we're going to have an economic advantage by it.

"Mr. Speaker, the point is this is not good policy. And it's one of those economic principles that divide I think, the number of people in this particular Body. As the resolution is, I hope it doesn't get any farther. Thank you, very much."

Representative M. Lee rose to speak in support of both measures, stating:

"I stand in support of these resolutions. Mr. Speaker, the purpose of these resolutions is to establish a task force to review, investigate, and study the feasibility and cost of establishing the Bank of the State of Hawaii.

"The creation of a State Bank would have some beneficial effects on the State's economy possibly by making credit more available in the State, and would add stability to the State banking industry, particularly in times of recession and could do this in a positive way.

"A public bank would not be beholden to the profit-based agendas of private banks, thereby permitting the Bank of the State of Hawaii to leverage capital on a fractional basis without consideration for shareholder earnings or market expectations. The Bank of the State of Hawaii would be able to better engage in long-term planning based on available deposits and revenue forecasts.

"The Bank of North Dakota has been in existence for many years and during the past decade has directed more than \$300 million back into the economy of that State. Although primarily functioning in agricultural loans, the bank's success has been noticed recently by several other states including Wisconsin, Washington, Oregon, and now Hawaii.

"In times of austerity, Mr. Speaker, we need to consider every possibility for economic advancement, and the proposed task force on a State Bank is just one option. I urge the Members' support. Thank you."

Representative McKelvey rose in support of both measures and asked that the remarks of Representative M. Lee be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Ching rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, I rise in opposition and I ask that the words of the Minority Leader be entered as my own with some of the exceptions of the comments made on whether it was a bill or reso. And I would like additional written comments.

"When we're talking about a bank and we're using jurisdictions such as North Dakota, I always think it's kind of important to recognize the unique environment to each idea. And I just wanted to put out the fact that North Dakota has one of the absolute top educational performances in the United States of America. It's a certain kind of state that can talk about the fact that their educational system is the top.

"You may wonder, well what does that have to do with a bank? Well it's a different kind of a state. So here we're hoping that we can do the same, but again maybe our private sector needs a little more help. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition of HR 139, HCR 159. The main concern is simply that public funds being deposited into a State Bank would be insured by the State itself. Without the benefit of being insured by a separate entity like the National Credit Union Administration (which insures and oversees all credit unions in the State of Hawaii), the state would be in an extremely precarious situation in the event of any financial difficulty within the bank. Thank you."

Representative Marumoto rose in opposition to both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"In opposition. If the Hawaii State government starts a bank, what business is next? Insurance? Motor carrier businesses? Visitor Industry enterprises?"

Representative Awana rose and stated:

"Thank you, Mr. Speaker. I just would like to ask for the same courtesy as the Representative from Lanai, to adopt the words from the Representative from Mililani, as well as to also stress perhaps that if we had that \$300 million that North Dakota had for their education, and if we did the same, I'm sure we would have an excellent system in Hawaii as well. 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. 139, entitled: "HOUSE RESOLUTION CREATING THE TASK FORCE ON ESTABLISHING THE BANK OF THE STATE OF HAWAII," was referred to the Committee on Finance, with Representatives Ching, Marumoto and Ward voting no, and with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION CREATING THE TASK FORCE ON ESTABLISHING THE BANK OF THE STATE OF HAWAII," was referred to the Committee on Finance, with Representatives Ching, Marumoto and Ward voting no, and with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1274), recommending that H.R. No. 241, be referred to the Committee on Economic Revitalization & Business; and

(Stand. Com. Rep. No. 1275), recommending that H.C.R. No. 274, be referred to the Committee on Economic Revitalization & Business.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 241; and H.C.R. No. 274, be referred to the Committee on Economic Revitalization & Business, seconded by Representative Evans.

Representative Fontaine rose to speak in support of both measures with reservations, stating:

"Yes, Mr. Speaker. Please note my reservations. If I may just have brief comments. Although these resolutions are a very 'feel-good' type of resolution, police officers under their general orders in the State of Hawaii are not allowed to take discounts and gifts just for the reason of the ethics issue. So I was hoping that at Committee level, we were going to take that piece out. Although I want to support police officers, being a retired officer myself, there are situations within their general orders that do not allow them to take the discounts. Thus my reservations. Thank you."

Representative McKelvey rose to speak in support of both measures with reservations, stating:

"Thank you very much, Mr. Speaker, with reservations and I would like the words of the previous speaker, the Representative from Kihei, aka my 'brother from another mother,' entered into the record as if they were my own."

Representative Pine rose to speak in support of both measures with reservations, stating:

"Same request, except for the 'brother from another mother' thing. Sister from another mother."

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, I can't match that one. Just to underline the wisdom of someone who has for 24 years done the job of a first responder, the Representative from Maui speaks with wisdom. We should not be

codifying, reinforcing, or otherwise stereotyping any of these people as people who want to do this, and that we are promoting that they would like to do this.

"But if people on an individual basis have a business and want to do that, that's different. But when it gets to this level at the House at the State Legislature, I think it tends to cross the line a bit. It starts to get to where the 'smell test' may have to be applied. It gets to be where the Ethics Commission that is now looking at us and our abilities to accept \$25 to \$200 etc. It makes us all look bad, Mr. Speaker. So I would suggest this should probably not go very far. So I want to vote no. Thank you."

Representative Hanohano 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. 241, entitled: "HOUSE RESOLUTION URGING RETAILERS TO PROVIDE DISCOUNTS TO FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY PERSONNEL IN DEFERENCE TO THEIR WORK FOR THE PUBLIC HEALTH AND SAFETY," was referred to the Committee on Economic Revitalization & Business, with Representative Ward voting no, and with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION URGING RETAILERS TO PROVIDE DISCOUNTS TO FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY PERSONNEL IN DEFERENCE TO THEIR WORK FOR THE PUBLIC HEALTH AND SAFETY," was referred to the Committee on Economic Revitalization & Business, with Representative Ward voting no, and with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1276), recommending that H.R. No. 178, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1277), recommending that H.C.R. No. 207, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 178; and H.C.R. No. 207, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching 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. 178, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO BEGIN DISCUSSIONS AND PLANS TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS TO BUILD PRISONS AND CORRECTIONAL FACILITIES IN THE STATE," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO BEGIN DISCUSSIONS AND PLANS TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS TO BUILD PRISONS AND CORRECTIONAL FACILITIES IN THE STATE," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1278), recommending that H.R. No. 179, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1279), recommending that H.C.R. No. 208, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 179; and H.C.R. No. 208, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano 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. 179, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1280), recommending that H.R. No. 157, 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. 157, entitled: "HOUSE RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1281), recommending that H.C.R. No. 183, 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. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1282), recommending that H.R. No. 213, 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. 213, entitled: "HOUSE RESOLUTION REQUESTING ALL STATE DEPARTMENTS AND EACH COUNTY TO ASSIST IN THE RELIEF AND RECOVERY EFFORTS OF THOSE IN HAWAII AFFECTED BY THE MARCH 11, 2011, TSUNAMI," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1283), recommending that H.C.R. No. 250, 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. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE DEPARTMENTS AND EACH COUNTY TO ASSIST IN THE RELIEF AND RECOVERY EFFORTS OF THOSE IN HAWAII AFFECTED BY THE MARCH 11, 2011, TSUNAMI," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1284), recommending that H.R. No. 14, 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. 14, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT THE TEACH FOR AMERICA PROGRAM," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1285), 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 Committee was adopted and H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT THE TEACH FOR AMERICA PROGRAM," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1286), recommending that H.R. No. 249, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1287), recommending that H.C.R. No. 282, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 249; and H.C.R. No. 282, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in strong support of these measures. For students to have a quality learning experience, it is critical that schools create a learning environment conducive to student achievement. These Resolutions would enhance the learning environment for the students who cope with the difficulties of staying focused in bearably hot classrooms.

"In 1998, Waianae High School teacher Naidah Gamurot's students posed a simple question: "Why are the portable classrooms used by the Department of Education (DOE) so stifling in hot weather?" Their goal was to figure out how the temporary structures could be cooled using minimum materials and making minimal structural changes by the average student or parent.

"The kids conducted the experiment themselves, on their own time, and learned about the process of science in a way that will help their fellow students. They built large-scale models of the portables, detailed down to window louvers and stilts so that airflow is similar. Interestingly, the students also learned a little bit of public reality: budget restrictions placed on the designers of the original buildings resulted in oven-like classrooms during the summer months.

"Many teachers and schools rely on fans as their first defense against the heat. But fans consume electricity, are mechanical and therefore require

maintenance. The students quickly discovered that while fans did cool the miniature classroom, it seems to be the least efficient method. Looking back, these students were pioneers in their simple quest to cool down their classrooms.

"Hawaii is now caught up with the rest of the country and world in the movement to be energy-efficient: Photovoltaic panels on all new development housing, hybrid and fully electric vehicles on our roadways, and wind farms dotting the fields of Kahuku to name a few initiatives.

"As a part of these efforts, the DOE completed a pilot project at Kahuku High and Intermediate School to explore alternative ways to cool classrooms other than by air conditioning. Methods such as roof insulation, heat reflective paint, additional windows, and wall insulation were installed on existing portable buildings. Data collection to determine effectiveness is underway and should be completed in April.

"Depending on the results of the data collection of the pilot project at Kahuku High and Intermediate, the DOE intends to move forward and implement these types of alternative cooling methods throughout its schools, including other types of buildings in addition to portable buildings.

"Other efforts include installation of ceiling fans in classrooms that are not air conditioned. The DOE is committed to green strategies and to finding feasible solutions in a sustainable manner and we must do our part of support their initiatives. Hawaii's temperature will not get cooler so we must adopt new ways to address this issue. 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. 249, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND ITS PILOT PROJECTS TO COOL HAWAII'S CLASSROOMS," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND ITS PILOT PROJECTS TO COOL HAWAII'S CLASSROOMS," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1288), recommending that H.R. No. 260, be referred to the Committee on Public Safety & 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. 260, entitled: "HOUSE RESOLUTION RECOGNIZING AND COMMENDING THE OFFICE OF HAWAIIAN AFFAIRS FOR ITS STUDY ON THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL-JUSTICE SYSTEM," was referred to the Committee on Public Safety & Military Affairs, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1289), recommending that H.C.R. No. 295, be referred to the Committee on Public Safety & 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. 295, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THE OFFICE OF HAWAIIAN AFFAIRS FOR ITS STUDY ON THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL-JUSTICE SYSTEM," was referred to the Committee on Public Safety & Military Affairs, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 1290), recommending that H.R. No. 171, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1291), recommending that H.C.R. No. 198, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 171; and H.C.R. No. 198, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano 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. 171, entitled: "HOUSE RESOLUTION URGING THE JUDICIARY TO EXPEDITE THE SELECTION OF THE SITE FOR THE KONA JUDICIARY COMPLEX AND CONSIDER LA'I'OPUA AS A POTENTIAL SITE FOR THE COMPLEX," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE JUDICIARY TO EXPEDITE THE SELECTION OF THE SITE FOR THE KONA JUDICIARY COMPLEX AND CONSIDER LA'I'OPUA AS A POTENTIAL SITE FOR THE COMPLEX," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representatives Rhoads, Mizuno and Yamane, for the Committee on Labor & Public Employment and the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1292), recommending that H.C.R. No. 128, as amended in HD 1, 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.C.R. No. 128, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO REVIEW POLICIES AND PROCEDURES FOR STATE-FUNDED DRUG COVERAGE PROGRAMS AND SERVICES ON THE USE OF REBATES, MANUFACTURER PAYMENTS, INCENTIVES, PRESCRIPTION REIMBURSEMENTS, AND PATIENTS' RIGHTS TO SELECT A PHARMACY PROVIDER OF THEIR OWN CHOICE," was referred to the Committee on Consumer Protection & Commerce, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1293), recommending that H.C.R. No. 168, 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 Committee was adopted and H.C.R. No. 168, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY TO CARRY OUT ITS RESPONSIBILITIES UNDER SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006," was referred to the Committee on Legislative Management, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1294), recommending that H.R. No. 201, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1295), recommending that H.C.R. No. 230, 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. 201, HD 1; and H.C.R. No. 230, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

At 12:54 o'clock p.m. Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

Representative Takai rose to speak in support of both measures, stating:

"Mr. Speaker. Thank you. In support. On these measures, Stand. Com. Nos. 1294 and 1295, I just wanted to point out, I thought we had fixed it, but I think there's some issue here and I hope to have it addressed in Finance. But in the title of these two resos it mentions a particular company and a particular test. The intent of the Committee, I do believe and the Vice Chair is not here, but I think her intent was to have the State Department of Education take a look at it. And also to urge the United States Department of Education to consider accepting a nationally recognized college entrance examination, either the ACT or SAT, but we didn't want to name a particular company nor a particular test. I just point that out and I hope that we can refine this later."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 201, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF EDUCATION TO ACCEPT THE NATIONALLY RECOGNIZED ACT COLLEGE ADMISSION EXAM RESULTS FOR DETERMINING IF A SCHOOL IS MEETING "NO CHILD LEFT BEHIND" COMPLIANCE," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 230, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF EDUCATION TO ACCEPT THE NATIONALLY RECOGNIZED ACT COLLEGE ADMISSION EXAM RESULTS FOR DETERMINING IF A SCHOOL IS MEETING "NO CHILD LEFT BEHIND" COMPLIANCE," was referred to the Committee on Finance, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1296) recommending that H.R. No. 114, be adopted; and

(Stand. Com. Rep. No. 1297) recommending that H.C.R. No. 134, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 114; and H.C.R. No. 134, be adopted, seconded by Representative Evans.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in support of these measures. Military men and women deploying overseas have few options for the care of their pets. Soldiers, often called up on a moment's notice, face the only alternatives of surrendering pets to a new home, dumping them in a shelter, or simply abandoning them.

"Pets are part of the family and while help is available for the deployed service member's families, there is often no one to care for the pets. The companionship that pets bring to families and individuals is immeasurable. Having to give up a pet when a person is deployed is unacceptable.

"Even when friends or relatives are willing to help with the soldier's dog or cat, problems can arise if the new animal has conflicts with existing

pets, family members, or housing arrangements. Overwhelmed shelters are filling with military pets and sometimes their only option is, sadly, to reject the pet or put it to sleep. Indeed, innocent animals are paying a price for our country's conflicts.

"On Oahu alone, animal non-profit groups report the euthanization of thousands of cats each year due to overpopulation and abandonment. No-kill shelters cannot support every pet that is left behind.

"These Resolutions will serve to assist pets in need by raising awareness to the issue of abandonment and providing legal guidelines regarding specific expectations for provisions of continued care of pets in the event of relocation or deployment. 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. 114, entitled: "HOUSE RESOLUTION REQUESTING ALL ACTIVE, RESERVE, AND GUARD COMPONENTS OF THE UNITED STATES MILITARY AND THE ACTIVE AND RESERVE COMPONENTS OF THE UNITED STATES COAST GUARD TO MAKE RESOURCES AVAILABLE TO IMPROVE THE OPPORTUNITIES FOR CONTINUAL CARE FOR THE DOMESTIC ANIMALS OWNED BY MEMBERS OF THE UNITED STATES MILITARY AND UNITED STATES COAST GUARD WHO ARE REQUIRED TO DEPLOY OR RELOCATE," was adopted, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused; and

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL ACTIVE, RESERVE, AND GUARD COMPONENTS OF THE UNITED STATES MILITARY AND THE ACTIVE AND RESERVE COMPONENTS OF THE UNITED STATES COAST GUARD TO MAKE RESOURCES AVAILABLE TO IMPROVE THE OPPORTUNITIES FOR CONTINUAL CARE FOR THE DOMESTIC ANIMALS OWNED BY MEMBERS OF THE UNITED STATES MILITARY AND UNITED STATES COAST GUARD WHO ARE REQUIRED TO DEPLOY OR RELOCATE," was adopted, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1298) recommending that H.R. No. 53, 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. 53, entitled: "HOUSE RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was adopted, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1299) recommending that H.C.R. No. 60, 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. 60, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was adopted, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1300) recommending that S.B. No. 1533, SD 1, 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 Committee be adopted, and that S.B. No. 1533, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you so much, Mr. Speaker. In strong support. You've probably been seeing sort of a continuum on this issue that ironically we, the Aloha State being ranked so low in animal cruelty. And I know that the genesis of this bill, or one of the reasons for this bill was the recent killing of the peacock out there.

"And I just wanted to mention that it's an opportunity. The next time, there's a lot of people who said, 'Hey, you know. It's just an animal. It's just an animal.' And I know there's been some talk about the mongoose and the rat, but again, discernment. I guess I have this thought that I like discernment because when that peacock was killed, all the children including my daughter, when they saw it on the TV, were so hurt. And when we don't remember the children and what we're teaching them. This is a positive bill because it tells them something matters.

"I'm just going to read a little bit here. In Asian culture there's not such a wide gap between spiritual and material things as there seems to exist in western civilization. Religious symbols are important. The fact is the peacock is the symbol of openness and acceptance in different religions. In Hinduism it represents Bodhisattva. In cultural significance it was the all seeing eye of the holiness because of its beautiful feathers. And in Babylonia Persia it's seen as the guardian to royalty, and it represents the all seeing church, the ancient symbol of eternal life.

"And so when we allow, and I just personally disagree with the judge, when we allow these kinds of things, what we stand for. I used to tell my daughter, I said, 'You know that God's an artist when you look at the peacock.' Thanks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1533, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1301) recommending that S.B. No. 105, 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 Committee was adopted and S.B. No. 105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Say, Takumi, Tokioka and Wooley being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1302) recommending that S.B. No. 1067, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1302 on S.B. No. 1067, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1067, SD 1, HD 2, were made available to the Members of the House.

ANNOUNCEMENTS

Representative Har "Thank you, Mr. Speaker. Your Committees on Hawaiian Affairs, Water, Land, & Ocean Resources, and Judiciary will be meeting in Room 325 right after session to have a hearing on HCR 294. Thank you."

Representative Takai: "Thank you, Mr. Speaker. A few days ago on March 29th we had a very unique and special ceremony in the Senate Chamber where we recognized families of fallen service members. I recall, Mr. Speaker, the time that you and I met in 2005 in your office and talked a little bit about this concept. I can think of two things today about that meeting.

"First, I don't think we both realized that we would still be doing this. And second, I don't think that we would have anticipated how much of a profound impact we've had on these families. We hear it almost daily how much they appreciate all of our efforts.

"So I wanted 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 ceremony, as well as the preparations prior. But it took many, many people and I'd like to at this time acknowledge some of them.

"I'd like to first thank all of our staff here and in the Senate including the House Chief Clerk, Pat Mau-Shimizu and her staff; Senate Chief Clerk, Carol Taniguchi and her staff; House Sergeant-at-Arms Kevin Kuroda and his staff; Senate Sergeant-at-Arms Ben Villafior and his staff; and CJ Leong of the House Majority Staff Office and her staff.

"I wanted to recognize also the Planning Committee. Senate President Shan Tsutsui and Ross Tsukenjo; you, Mr. Speaker; Senator Will Espero and Marlene Uesugi; and Representative Henry Aquino and Maureen Andrade. In addition, we got support from Major General Darryll Wong and Eleanor Thommes.

"We also had a beautiful reception following the ceremony. I wanted to thank Marlene Uesugi and Venus Delos Santos from Senator Espero's office for coordinating this effort. A big *mahalo* also goes to the Senate Clerk's staff that coordinated the check-in table. 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. The pairing of legislators with families enhanced and really helped these families.

"Thanks also go to Tammy Tengan and the House Printshop for the certificates signed by every Member of the Legislature. This certificate accompanies every single medal and is appreciated by the families who receive them.

"We did get a lot of support and assistance from the military and I would like to recognize Elisia Lukasik from the US Pacific Command, who helped us with coordinating the ceremony participants, and Leighton Siu who helped us with protocol.

"I also wanted to mention some individuals who help us throughout the year in identifying the people that we recognized on Tuesday. From the Army, we thank Kole Miller, Chief of Protocol, and Ernestine Pratt from the 25th Infantry; from the Marines, we thank Colonel (retired) Chris Blanchard and Peter Swainson.

"In addition, as all of you noticed, the Medal itself is beautiful and I wanted to once again acknowledge Sergeant First Class Aaron Pollick from the Hawaii Army National Guard, who came up with the initial design which symbolizes, as we all agree, much more than the medal.

"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 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 plaque.

"In addition, I'd like to acknowledge those who helped us enrich the experiences for the families who travel here in attending this event. We worked very closely with the Pearl Harbor Historic Sites – the Bowfin, the Missouri, the Pacific Aviation and the Arizona now called 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, and we worked specifically with the Hawaii Hotel Association to provide discounted hotel rates at participating hotels for the honorees and their families. All of these organizations and entities helped us as we helped the families make this a special visit to Hawaii.

"Many people were asking about the 'Olelo Broadcast and I wanted to make mention once again, that Capitol TV will be graciously providing a

DVD for each family, both present and not present at Tuesday's ceremony, and they will also be providing one for each one of us.

"As you all know, Mr. Speaker, much of our success and the things that we do in this Chamber, as well as in our communities, are the direct results of our staff. As I did last year and the years prior, I wanted to acknowledge my staff Lisa Vargas, Kristine Duong and Anthony Selvanathan from my staff.

"And as I said before, our staff makes us what we are. But more importantly, Lisa, our office manager, made us, the House of Representatives, the Senate, the entire Legislature and truthfully the entire State of Hawaii; she made us all look good throughout the entire nation. In fact, she has worked with the states of Alaska and New Hampshire to create their Medals of Honor to honor their sons and daughters. For us here in Hawaii, this has become an ongoing project, and over the last six years 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.

"This medal went and continues to go to families with Hawaii ties and so far, as of December 31 of last year a total of 284 medals have been awarded. Unfortunately, however, the list continues to grow and we will unfortunately be having another ceremony.

"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.

"Finally, Mr. Speaker, I wanted to read an email from a very grateful father. His name is Timothy J. Poole Sr. Actually for those of you who recall, he was standing in the back during the ceremony, and was the last guy that got mentioned with the two Marines. In fact, he stood with the Marines at attention the entire time because he felt that that was what his son, Lance Corporal Timothy J. Poole would like. But he wrote to us:

Ceremonies like the State of Hawaii is having guarantees the families of fallen heroes that their loved ones and the sacrifice they have made for their country will never be forgotten. I can only hope and pray that one day every citizen of Hawaii knows and understands how much this ceremony means to a family of a fallen hero and how much they appreciate it, and that they will never forget what the people of Hawaii has done for their family.

"Thank you, Mr. Speaker."

Representative Ward: "Yes, Mr. Speaker, I think the former speaker, Major Takai, deserves a round of applause from all of us. Thank you, Representative. Well done.

"Mr. Speaker, I'd also like to thank the Chair of the Finance Committee who asked us all if we had any suggestions on how to balance the budget. And I want to announce that we have come up with a first draft. It's online, it's hawaii.statebudgetonline.com. We welcome people's feedback. There's a comment section and as we go toward *sine die*, this is a beginning, and I hope it's iron sharpening iron. Thank you, Mr. Speaker."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
7	Committee on Judiciary
56	Committee on Hawaiian Affairs, then to the Committee on Finance
142	Committee on Finance

- 177 Committee on Finance
- 240 Committee on Higher Education, then to the Committee on Tourism
- 253 Committee on Economic Revitalization & Business
- 261 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

H.C.R.**Nos. Re-referred to:**

- 63 Committee on Hawaiian Affairs, then to the Committee on Finance
- 163 Committee on Finance
- 205 Committee on Finance
- 273 Committee on Higher Education, then to the Committee on Tourism
- 286 Committee on Economic Revitalization & Business
- 294 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, then to the Committee on Finance
- 296 Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

ADJOURNMENT

At 1:09 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, April 4, 2011. (Representatives Belatti, Chang, Ito, Say, Takumi, Tokioka and Wooley were excused.)

FORTY-SECOND DAY

Monday, April 4, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, M. Oshiro and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-First Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 383 and 384) were received and announced by the Clerk:

Sen. Com. No. 383, transmitting S.C.R. No. 68, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO INSTALL RENEWABLE ENERGY FACILITIES ON THE PREMISES OF AS MANY PUBLIC SCHOOLS AS IS FEASIBLE AND CONSIDER LEASING SCHOOL PREMISES TO A POWER PRODUCER AND ENTER INTO POWER PURCHASE AGREEMENTS TO PURCHASE ELECTRICITY FROM THE PRODUCER," which was adopted by the Senate on April 1, 2011.

Sen. Com. No. 384, transmitting S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW ITS BY-LAWS AND POLICIES AND APPLICABLE ADMINISTRATIVE RULES AND STATUTES TO IMPROVE THE EFFECTIVENESS OF THE EDUCATIONAL DELIVERY SYSTEM," which was adopted by the Senate on April 1, 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Johanson introduced his friend, Ms. Jane Hong, PhD, a student at Harvard University who is here for the Association for Asian Studies and International Convention of Asia Scholars.

Representative Ward introduced his intern, Mr. Masanori Yuasa and his mother, Mrs. Tomiko Yuasa of Tokyo, Japan.

Representative Awana introduced Mr. Robert Howe, Akamai Initiative Board Member from Hong Kong, and Akamai Initiative Board Member, Mr. Louis Perez. They were accompanied by Representative's office manager, Mr. Enoka Lucas.

Representative Ching introduced Chinese Chamber of Commerce President Mr. Jeffrey Lau; and Past President, Mr. Ted Li.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 299) was announced by the Clerk and the following action taken:

H.R. No. 299, entitled: "HOUSE RESOLUTION COMMENDING, RECOGNIZING, AND CONGRATULATING BENEDICTO R. GALINDO, M.D., ADULT FOSTER HOMECARE ASSOCIATION OF HAWAII, UNITED GROUP OF HOME OPERATORS, ALLIANCE OF RESIDENTIAL CARE ADMINISTRATORS, THE PRIMARY CARE PROVIDERS OF HAWAII, ADULT FOSTER HOMES OF THE PACIFIC, AND CASE MANAGEMENT COUNCIL FOR THEIR

EXEMPLARY SERVICE TO THE STATE OF HAWAII," was jointly offered by Representatives Mizuno, Cabanilla and Manahan.

Representative Mizuno moved that H.R. No. 299 be adopted, seconded by Representative Cabanilla.

Representative Mizuno introduced Mr. Ben Galindo, MD who was seated on the Floor of the House, and thanked him for his many years of attending to the healthcare needs of the local community, and humanitarian service internationally.

Representative Mizuno also introduced Dr. Galindo's wife, Mrs. Adele Galindo who was seated in the gallery.

Representative Mizuno then recognized the essential work that the community-based caregivers provide for our seniors and disabled, and introduced the honorees seated on the Floor of the House:

Ms. Acela Garcia representing the United Group of Home Operators; and

Ms. Mila Castro representing the Adult Foster Home Association.

Representative Cabanilla then recognized the adult residential care home operators, and the adult foster home operators for providing the essential acute and long-term care services in our community:

Ms. Medy Delara representing the Alliance of Residential Care Administrators who was seated on the Floor of the House;

Ms. Maria Etrata representing The Primary Care Providers who was seated in the gallery;

Ms. Margie Agliam representing the Adult Foster Homes of the Pacific who was seated on the Floor of the House; and

Ms. Flora Velasquez representing the Case Management Council who was seated in the gallery.

Representative Awana also congratulated Dr. Galindo and recognized the many community-based caregivers here for a conference of local officials and those of the Asia-Pacific who were seated in the gallery.

Representative Brower also thanked the care home operators for coming to Hawaii and providing a valuable service in our community.

The motion was put to vote by the Chair and carried, and H.R. No. 299 was adopted, with Representatives Carroll, M. Oshiro and Takai being excused.

The following resolution (H.R. No. 300) was announced by the Clerk and the following action taken:

H.R. No. 300, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING GLADYS "GLADY" BURRILL FOR BEING THE OLDEST WOMAN IN THE WORLD TO COMPLETE A MARATHON," was jointly offered by Representatives Ward and Herkes.

Representative Ward moved that H.R. No. 300 be adopted, seconded by Representative Herkes.

Representative Ward introduced and recognized Mrs. Gladys Burrill, who was seated on the Floor of the House, for recently being confirmed as the oldest women to finish a marathon by the Guinness World Records.

Accompanying Mrs. Burrill was her son, Mr. Mike Burrill, Sr. of Medford, Oregon.

Representative Ward also introduced Honolulu Marathon officials seated in the gallery: Mr. Pat Bigold, Director of Media Relations; and Mrs. Jeanette Chun, Treasurer.

Representative Herkes, as the elder statesman of the House, congratulated Mrs. Burrill on her outstanding achievement.

Representative Marumoto also congratulated Mrs. Burrill and thanked her for being an inspiration to us all.

The motion was put to vote by the Chair and carried, and H.R. No. 300 was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

The following resolution (H.R. No. 301) was announced by the Clerk and the following action taken:

H.R. No. 301, entitled: "HOUSE RESOLUTION HONORING AND CONGRATULATING MUN LUN SCHOOL ON THEIR CENTENNIAL ANNIVERSARY," was jointly offered by Representatives Ching and Rhoads.

Representative Ching moved that H.R. No. 301 be adopted, seconded by Representative Rhoads.

Representative Ching congratulated the Mun Lun School on their 100th anniversary and thanked them for preserving the language, culture and values of the Chinese community in Hawaii.

Representative Ching then introduced the honorees representing the School who were seated on the Floor of the House:

Mr. Wesley F. Fong, President;
Dr. Chock Wong, Principal;
Mr. Stanford Yuen, Vice-President;
Dr. King Ming Ching, Secretary; and
Mr. Cy S.Y. Feng, Treasurer.

Representative Ching also acknowledged and introduced other honorees and guests seated in the gallery:

Mr. Jeff Lau, President of the Chinese Chamber of Commerce; and
Mr. Ted Li, Past President of the Chinese Chamber of Commerce.

The faculty and staff of Mun Lun School:
Roland Louie, Director of Mun Lun School;
Mui Fong Wong, Vice Principal of Mun Lun School;
LuNing Liu Lee, teacher for Mun Lun School;
Xiaoping Fu, teacher for Mun Lun School;
Wenyi Guan, Teacher for Mun Lun School; and
Yan Long, Teacher for Mun Lun School.

Many guests and supporters of Mun Lun School:
Kenneth Siu;
Dr. Joseph Young;
Qikeng Li, Confucius Institute;
Jeff Lau, President of Chinese Chamber of Commerce;
William Hee, Hee Gow Yong Tong;
David Ma, Chinese Community Broadcasting Inc.;
Ted Li, President of United Chinese Society of Hawaii;
Christopher Loo, President of Ket On Society;
Derek Tamura, Friends of Dr. Sun Yat Sen;
Marsha Joyner, Friends of Dr. Sun Yat Sen;
Ernie Loo, Friends of Dr. Sun Yat Sen;
Karl Kao, Friends of Dr. Sun Yat Sen;
Dr. Lily Siu-Fong Sun, Dr. Sun Yat Sen's granddaughter;
Rose Chang, Kau Tom Post 11 American Legion;
Thelma Akinaka, Alum from Mun Lun School Class of 1961; and
Maylani Chang, Alum from Mun Lun School Class of 1960.

Representative Rhoads also congratulated Mun Lun School and recognized their contributions and their long history with Chinatown and the Chinese in Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 301 was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

At 12:55 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:06 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Carroll, M. Oshiro, Takai and Tokioka were excused.)

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1302) recommending that S.B. No. 1067, SD 1, 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. 1067, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

At 1:07 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1067, SD 1, HD 2

REPORTS OF STANDING COMMITTEES

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1303), recommending that H.C.R. No. 69, 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. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF PHARMACY BENEFIT MANAGEMENT COMPANIES," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1304), recommending that H.C.R. No. 196, 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. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DEVELOP A QUALITY IMPROVEMENT INITIATIVE TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1305), recommending that H.C.R. No. 7, be referred to the Committee on Higher Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 7, be referred to the Committee on Higher Education, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I actually have a two page speech, but I would like permission to insert it in the Journal. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. It is important to educate expectant mothers about physiologic components of breast milk, benefits to the maternal-infant pair, decision-making for breast feeding, and strategies to assist new mothers to be successful.

"Breastfeeding helps to protect infants against a variety of conditions and diseases including:

- Ear infections;
- Respiratory problems;
- Bacterial meningitis;
- Diabetes (Type I & II);
- Certain cancers: lymphoma, Leukemia, Hodgkin's disease;
- Bowel problems: diarrhea, ulcerative colitis, Crohn's disease; and
- Childhood overweight & obesity.

"Breastfeeding has maternal benefits as well:

- Decreases the incidence of ovarian cancer;
- Decreases the incidence of premenopausal breast cancer;
- Decreases postpartum bleeding;
- Assists with rapid uterine involution; and
- Assists with earlier return to pre-pregnancy weight.

"Breastfeeding is good for the mother's health by preventing type 2 diabetes, breast and ovarian cancer, osteoporosis, and postpartum depression. Lastly breastfeeding benefits society and deaths among infants could be prevented."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 7, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE JOHN A. BURNS SCHOOL OF MEDICINE AND THE SCHOOL OF NURSING AND DENTAL HYGIENE OF THE UNIVERSITY OF HAWAII TO INCLUDE BREASTFEEDING IN EDUCATIONAL CURRICULUM TO EDUCATE MEDICAL PROFESSIONALS TO ADVOCATE AND PROMOTE BREASTFEEDING AMONG EXPECTANT MOTHERS," was referred to the Committee on Higher Education, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1306), recommending that H.R. No. 186, 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. 186, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CREATION OF A HAWAII MENTAL HEALTH COMMISSION TO DEVELOP A UNIFIED STATE MENTAL HEALTH DELIVERY SERVICE," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1307), recommending that H.C.R. No. 215, 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. 215, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A HAWAII MENTAL HEALTH COMMISSION TO DEVELOP A UNIFIED STATE MENTAL HEALTH

DELIVERY SERVICE," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representatives Hanohano and Chang, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1308), recommending that H.C.R. No. 114, 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 Committees was adopted and H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE REPAIR OF CULTURALLY SIGNIFICANT PLACES ON THE GROUNDS OF 'IOLANI PALACE," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representatives Hanohano and Tsuji, for the Committee on Hawaiian Affairs and the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 1309), recommending that H.R. No. 153, as amended in HD 1, be referred to the Committee on Education; and

(Stand. Com. Rep. No. 1310), recommending that H.C.R. No. 177, as amended in HD 1, be referred to the Committee on Education.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 153, HD 1; and H.C.R. No. 177, HD 1, be referred to the Committee on Education, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. Just in strong support with written comments. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of HR153, HCR177. *Poi*, the fermented paste of the taro corm (from the taro plant) is an ancient and sacred life-giving food. *Poi* is hypoallergenic, naturally gluten free and contains plant-based microorganisms that have been validated by research to be safe and highly beneficial. *Poi* is also considered to be one of the most digestible foods on earth and has been recently shown in research to kill cancer cells in the colon, as well as prevent diabetes.

"Given the high rates of obesity among our island children, school lunch programs and other related food programs need to incorporate our own local foods. There is no reason why *poi*, *kalo*, and *kalo* derived products should not be a substitute for French fries and other unhealthy starch items. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 153, HD 1, entitled: "HOUSE RESOLUTION REQUESTING EACH SCHOOL WITHIN A REGIONAL ADMINISTRATIVE DISTRICT WHERE TARO FARMS ARE LOCATED TO SERVE POI OR OTHER TARO PRODUCTS, AND REQUESTING THE DIRECTOR OF THE AGRICULTURE EDUCATION PROGRAM TO ARRANGE FOR WORK, VOLUNTEER, OR STUDY OPPORTUNITIES ON TARO FARMS," was referred to the Committee on Education, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused; and

H.C.R. No. 177, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING EACH SCHOOL WITHIN A REGIONAL ADMINISTRATIVE DISTRICT WHERE TARO FARMS ARE LOCATED TO SERVE POI OR OTHER TARO PRODUCTS, AND REQUESTING THE DIRECTOR OF THE AGRICULTURE EDUCATION PROGRAM TO ARRANGE FOR WORK, VOLUNTEER, OR STUDY OPPORTUNITIES ON TARO FARMS," was referred to the Committee on Education, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1311), recommending that H.R. No. 258, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 258, entitled: "HOUSE RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR AND REQUESTING THE REMOVAL OF THE TERM 'TREATY OF ANNEXATION' CAST IN BRONZE ON THE STATUE OF PRESIDENT MCKINLEY ON THE GROUNDS OF MCKINLEY HIGH SCHOOL," was referred to the Committee on Education, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1312), recommending that H.C.R. No. 293, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 293, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR AND REQUESTING THE REMOVAL OF THE TERM 'TREATY OF ANNEXATION' CAST IN BRONZE ON THE STATUE OF PRESIDENT MCKINLEY ON THE GROUNDS OF MCKINLEY HIGH SCHOOL," was referred to the Committee on Education, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 1313), recommending that H.R. No. 116, be referred to the Committee on Legislative Management; and

(Stand. Com. Rep. No. 1314), recommending that H.C.R. No. 136, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 116; and H.C.R. No. 136, be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative Thielen 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. 116, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE THE DIFFERENT TYPES OF CLOSED PRIMARIES CONDUCTED BY OTHER STATES AND THE CORRESPONDING EFFECT ON VOTER TURNOUT," was referred to the Committee on Legislative Management, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused; and

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE THE DIFFERENT TYPES OF CLOSED PRIMARIES CONDUCTED BY OTHER STATES AND THE CORRESPONDING EFFECT ON VOTER TURNOUT," was referred to the Committee on Legislative Management, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1315), recommending that H.R. No. 117, 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. 117, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS," was referred to the

Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1316), recommending that H.C.R. No. 137, 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. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representatives Tsuji and Nishimoto, for the Committee on Agriculture and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1317), recommending that H.R. No. 77, 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 Committees was adopted and H.R. No. 77, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representatives Tsuji and Nishimoto, for the Committee on Agriculture and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1318), recommending that H.C.R. No. 84, 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 Committees was adopted and H.C.R. No. 84, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representatives Nishimoto and Wooley, for the Committee on Higher Education and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1319), recommending that H.C.R. No. 120, 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. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO ESTABLISH A MASTER'S DEGREE PROGRAM IN ETHNIC STUDIES IN THE ETHNIC STUDIES DEPARTMENT AT THE UNIVERSITY OF HAWAII AT MANOA," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1320), recommending that H.C.R. No. 261, as amended in HD 1, be referred to the Committee on Culture & the Arts.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 261, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CATALOGUE

ALL TREES OF HISTORIC VALUE AND ADOPT A PROCEDURE FOR BUILDING DESIGN, CONSTRUCTION, AND EXPANSION THAT PERMITS THE PRESERVATION OF SUCH TREES," was referred to the Committee on Culture & the Arts, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1321), recommending that H.R. No. 112, 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. 112, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW CONFIDENTIALITY LAWS PERTAINING TO COURT INVOLVED, MULTI-AGENCY YOUTH," was referred to the Committee on Judiciary, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1322), recommending that H.C.R. No. 132, 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. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW CONFIDENTIALITY LAWS PERTAINING TO COURT INVOLVED, MULTI-AGENCY YOUTH," was referred to the Committee on Judiciary, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1323), recommending that H.R. No. 136, 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. 136, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A SPECIALIZED DOMESTIC VIOLENCE UNIT WITHIN THE CHILD WELFARE SERVICES BRANCH OF THE DEPARTMENT OF HUMAN SERVICES," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1324), recommending that H.C.R. No. 155, 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. 155, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A SPECIALIZED DOMESTIC VIOLENCE UNIT WITHIN THE CHILD WELFARE SERVICES BRANCH OF THE DEPARTMENT OF HUMAN SERVICES," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1325), recommending that H.R. No. 61, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 1326), recommending that H.C.R. No. 68, 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. 61; and H.C.R. No. 68, be referred to the Committee on Consumer Protection & Commerce, 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 rise in strong support of these measures. We must keep up with the changing times by updating Hawaii's health insurance policies and showing compassion. Palliative care means patient and family centered care that optimizes quality of life by anticipating, preventing and treating suffering.

"Let's not forget those with incurable or chronic diseases or worsening medical conditions that are left to fend for themselves financially. Palliative care can ease the transition for families with a plan of how to proceed with their illness addressing the physical, intellectual, emotional, social and spiritual needs.

"Standards need to be established and improvements can be made."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 61, entitled: "HOUSE RESOLUTION REQUESTING HEALTH INSURERS IN HAWAII TO PROVIDE COVERAGE OR REIMBURSEMENT FOR SERVICES RELATED TO PALLIATIVE CARE," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused; and

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HEALTH INSURERS IN HAWAII TO PROVIDE COVERAGE OR REIMBURSEMENT FOR SERVICES RELATED TO PALLIATIVE CARE," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1327), recommending that H.R. No. 48, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1328), recommending that H.C.R. No. 55, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 48; and H.C.R. No. 55, be referred to the Committee on Finance, 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 rise in strong support of these measures. Standards related to the Patient's Bill of Rights apply to specific situations and need to be established. Pain is a common, subjective experience for many patients, and can worsen with chronic conditions, surgery or ongoing treatment.

"Progress has been made, although evidence continues to suggest that pain is often poorly assessed and poorly managed. Education plays an important role for patients and their families.

"Palliative care helps patients transition from curative treatment to end-of-life care. It helps patients cope with the different thoughts and emotional issues that arise, such as: worries about leaving loved ones behind, reflections about their legacy and relationships, or reaching closure with their life.

"No one should suffer from unbearable pain and suffering. Rehabilitation services are provided for infants, children, mothers and adults, let's not neglect our *kupuna*."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused; and

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was referred to the Committee on Finance, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1329), recommending that H.C.R. No. 25, be referred to the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 25, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

Representative M. Lee rose 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 strong support to this measure. Mandating coverage for palliative care will facilitate further discussions in the community and further health insurance coverage. This measure will accomplish the twin goals of eliminating financial barriers to access for individuals and incentivizing the inclusion of palliative care in mainstream healthcare, therefore eliminating structural barriers to its provision.

"There is a need to examine reimbursement in this area as physician consultations often include advanced practice nurses, licensed clinical social workers, chaplains and other disciplines that are labor intensive. There is also a need for family discussions regarding treatment options, goals of care and value-based decision making.

"There is room for improvement in the delivery of palliative services in this State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT REPORT ON LEGISLATION. MANDATING COVERAGE OF PALLIATIVE CARE," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented two reports:

(Stand. Com. Rep. No. 1330), recommending that H.R. No. 283, as amended in HD 1, be referred to the Committee on Agriculture; and

(Stand. Com. Rep. No. 1331), recommending that H.C.R. No. 318, as amended in HD 1, be referred to the Committee on Agriculture.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 283, HD 1; and H.C.R. No. 318, HD 1 be referred to the Committee on Agriculture, seconded by Representative Evans.

Representative Fontaine rose to speak in support of both measures with reservations, stating:

"Yes, Mr. Speaker, I stand with strong reservations on these measures. I'm concerned about the language about developing an 'arena.' While I understand there's a necessity of perhaps checking our backyard flocks for avian disease, I'm not exactly sure why the language of 'arena' was inserted in this legislation other than for cockfighting and that's why I have reservations. Thank you."

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 McKelvey rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The Chair then stated:

"These measures will go to the Committee on Agriculture so Chair Tsuji, if you have a hearing, please understand the interpretation of 'arena.'"

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 283, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONVENE A TASK FORCE TO STUDY THE FEASIBILITY OF DEVELOPING AN ARENA AND TESTING AND INSPECTION FACILITY ON HAWAIIAN HOME LANDS ON MOLOKAI FOR THE PURPOSE OF TESTING BACKYARD POULTRY FLOCKS FOR AVIAN DISEASES," was referred to the Committee on Agriculture, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused; and

H.C.R. No. 318, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONVENE A TASK FORCE TO STUDY THE FEASIBILITY OF DEVELOPING AN ARENA AND TESTING AND INSPECTION FACILITY ON HAWAIIAN HOME LANDS ON MOLOKAI FOR THE PURPOSE OF TESTING BACKYARD POULTRY FLOCKS FOR AVIAN DISEASES," was referred to the Committee on Agriculture, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1332) recommending that H.R. No. 174, 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. 174, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII SUPREME COURT STANDING COMMITTEE ON THE RULES OF EVIDENCE TO STUDY AND REPORT ON THE IMPLEMENTATION OF THE HAWAII UNIFORM COLLABORATIVE LAW ACT," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1333) recommending that H.C.R. No. 202, 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. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII SUPREME COURT STANDING COMMITTEE ON THE RULES OF EVIDENCE TO STUDY AND REPORT ON THE IMPLEMENTATION OF THE HAWAII UNIFORM COLLABORATIVE LAW ACT," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1334) recommending that H.R. No. 72, HD 1, as amended in HD 2, 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. 72, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXAMINE FEDERAL LAWS AND REGULATIONS TO ALLOW STATES TO MORE READILY ENACT

UNEMPLOYMENT COMPENSATION-RELATED LAWS THAT ALLOW FEAR OF DOMESTIC OR SEXUAL VIOLENCE TO BE A VALID REASON FOR NOT ACCEPTING SUITABLE WORK," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1335) recommending that H.C.R. No. 80, HD 1, as amended in HD 2, 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. 80, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO EXAMINE FEDERAL LAWS AND REGULATIONS TO ALLOW STATES TO MORE READILY ENACT UNEMPLOYMENT COMPENSATION-RELATED LAWS THAT ALLOW FEAR OF DOMESTIC OR SEXUAL VIOLENCE TO BE A VALID REASON FOR NOT ACCEPTING SUITABLE WORK," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1336) recommending that H.R. No. 180, 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. 180, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1337) recommending that H.C.R. No. 209, 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. 209, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1338) recommending that H.C.R. No. 4, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 4, HD 1, be adopted, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just brief remarks in favor of this resolution. It might seem pretty innocuous in designating May as Lupus Awareness Month in Hawaii, but this is a very mysterious disease. 90% of the people it attacks are women, so this is a Women's Caucus issue.

"It is an autoimmune disease. It attacks the internal organs and various other parts of the body. Generally, you just experience a lot of fatigue and malaise, and many doctors can't diagnose it. In fact even experts, it takes them some time to diagnose it. People are telling women, 'Well you just have too much stress. Try to take it easy.' But it is a very serious disease and we want to educate people about it. It still has no cause and no cure that we know of. So this is a very serious disease and I hope that you will learn something about it. Thank you."

Representative M. Lee rose 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 strong support of this measure. Lupus results from an immune system that is unbalanced and can become destructive to any organ in the body. Lupus is unpredictable and potentially fatal, yet no satisfactory treatment exists.

"Lupus disproportionately affects Native Hawaiian, Pacific Island, Asian, African American, Hispanic, Latina, and Native American women, a health disparity that remains unexplained. Recent data show that ninety percent of people with lupus are women, yet eighty percent of women know little or nothing about the disease of lupus.

"Unfortunately, lupus is a difficult disease to properly diagnose. We need to bring more education and awareness to this topic for the women in Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 4, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN HAWAII," was adopted, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

THIRD READING

S.B. No. 1533, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1533, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

S.B. No. 105, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, M. Oshiro, Takai and Tokioka being excused.

At 1:16 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1533, SD 1, HD 1
S.B. No. 105, SD 2, HD 1

ANNOUNCEMENTS

Representative Ching: "Mr. Speaker, we are having some Chinese food in Room 312, and everyone is welcome to stop by to congratulate Mun Lun School."

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Aquino introduced his friend and a long time Waipahu resident, Mr. John Cannell.

ANNOUNCEMENTS

Representative Cabanilla: "Yes, Mr. Speaker. I would like to invite you and our Members for a lunch in Room 329 provided by the caregivers that we honored today. Thank you."

Speaker Say: "Before we close, Members of the House, the Chair would like to remind all Committee Chairs and Vice Chairs of today's filing deadline for the First Lateral for Concurrent Resolutions. Please do your best to file your Committee Reports and drafts with the Chief Clerk's Office by 6:00 p.m. this evening. Again, this is for the Concurrent

Resolutions to meet the First Lateral deadline for referral to the last Committees."

ADJOURNMENT

At 1:17 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, Tuesday, April 5, 2011. (Representatives Carroll, M. Oshiro, Takai and Tokioka were excused.)

FORTY-THIRD DAY

Tuesday, April 5, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:09 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Chong and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Second Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 385 through 393) were received and announced by the Clerk:

Sen. Com. No. 385, transmitting S.C.R. No. 4, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DECLARING THE MONTH OF MAY OF EACH YEAR AS LUPUS AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 4, 2011.

Sen. Com. No. 386, transmitting S.C.R. No. 25, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," which was adopted by the Senate on April 4, 2011.

Sen. Com. No. 387, transmitting S.C.R. No. 46, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," which was adopted by the Senate on April 4, 2011.

Sen. Com. No. 388, transmitting S.C.R. No. 143, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING THE MY SAFE DRAWER COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," which was adopted by the Senate on April 4, 2011.

Sen. Com. No. 389, transmitting H.B. No. 79, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 4, 2011.

Sen. Com. No. 390, transmitting H.B. No. 338, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 4, 2011.

Sen. Com. No. 391, transmitting H.B. No. 848, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," which passed Third Reading in the Senate on April 4, 2011.

Sen. Com. No. 392, transmitting H.B. No. 931, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on April 4, 2011.

Sen. Com. No. 393, transmitting H.B. No. 1326, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 4, 2011.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, M. Oshiro and Nishimoto were excused.)

H.B. No. 79, HD 1, (SD 1)
H.B. No. 338, HD 2, (SD 1)
H.B. No. 848, HD 2, (SD 1)
H.B. No. 931, (SD 1)
H.B. No. 1326, HD 2, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Takumi, on behalf of Representative Takai, introduced their friend and Pearl City Neighborhood Board member, Mr. Sol Ray Duncan.

Representative Pine introduced her friend, and a friend to many non-profits, Ms. Kitty Lagareta.

Representative Awana introduced her friends and constituents, Mrs. Carolyn and Mr. Bill Soenkson of Maili.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 302) was announced by the Clerk and the following action taken:

H.R. No. 302, entitled: "HOUSE RESOLUTION HONORING THE BOY SCOUTS OF AMERICA, ALOHA COUNCIL AND MAUI COUNTY COUNCIL, AND THEIR BOARD MEMBERS, VOLUNTEERS, AND SUPPORTERS IN HAWAII," was offered by Representative Hashem.

Representative Hashem moved that H.R. No. 302 be adopted, seconded by Representative Yamashita.

Representative Hashem applauded the Boy Scouts in Hawaii and their commitment to their rich heritage of leadership and service, and preparing youth to make ethical and moral choices in life.

Representative Hashem then introduced the honorees representing the Boy Scouts in Hawaii who were seated on the Floor of the House:

Mr. Rick Blangiardi, Boy Scouts Aloha Council President;
Mr. John Henry Felix, Centennial Celebration Chair;
Ms. Lydia Rico, Sea Scout;
Mr. Zachary Soenkson, Boy Scout; and
Master Jet Sato, Cub Scout.

Representative Hashem also introduced Aloha Council Scout Executive and CEO, Mr. Rick Burr who was seated in the gallery, along with Executive Board Members, Scout Leaders, volunteers, family and friends. They were accompanied by Ms. Joanne Pettaway, Aloha Council Director of Development.

Representative Ching also recognized and thanked the Boy Scouts for their many projects which serve the community.

Representative Ward then acknowledged Mr. John Henry Felix and Mr. Rick Blangiardi for the many years and dedication to volunteerism.

The motion was put to vote by the Chair and carried, and H.R. No. 302 was adopted, with Representatives Carroll, M. Oshiro and Nishimoto being excused.

The following resolution (H.R. No. 303) was announced by the Clerk and the following action taken:

H.R. No. 303, entitled: "HOUSE RESOLUTION COMMENDING AND CONGRATULATING RADFORD HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT IN ROBOTICS," was offered by Representative Johanson.

Representative Johanson moved that H.R. No. 303 be adopted, seconded by Representative Riviere.

Representative Johanson congratulated the Radford High School Robotics Team, RAMBOT X for winning the Hawaii and Pan Pacific VEX Robotic Competitions, and wished them much success as they represent Hawaii in the VEX Robotics World Championships in Orlando, Florida.

Representative Johanson then introduced the team members and coaches seated on the Floor of the House:

Team Members

Sophomore, Mr. John Lohr – designer, builder and coach;
 Sophomore, Mr. Quentin Harris – designer, builder, programmer and driver;
 Sophomore, Ms. Emily Ulmer – AutoCAD designer, builder and driver;
 and
 Sophomore, Mr. Cody Schlosser – designer, builder and driver.

Coaches

Mr. Ryan Saito, Science Teacher; and
 Ms. Jan Ikeda, Student Curriculum Coordinator.

Representative Riviere also commended the RAMBOT X Team and the many other robotics programs for their application of science and technology, and introduced team supporters seated in the gallery:

Mr. John Goto, Radford High School Student Activities Coordinator;
 and
 Ms. Jennifer Harris, Team Parent.

Representative Fontaine also acknowledged the many robotics students for their dedication and enthusiasm to the robotics programs.

Representative Ward then acknowledged the work and support of Mr. Lenny Klompus and Ms. Corey Heck in the success of the robotics programs in Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 303 was adopted, with Representatives Carroll and Nishimoto being excused.

At 12:25 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m. with Vice Speaker Manahan presiding.

REPORTS OF STANDING COMMITTEES

Representatives Tsuji and Coffman, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1339), recommending that H.C.R. No. 238, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 238, be referred to the Committee on Finance, seconded by Representative Evans.

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 Committees was adopted and H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Tsuji and Hanohano, for the Committee on Agriculture and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1340), recommending that H.R. No. 208, 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. 208, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Tsuji and Hanohano, for the Committee on Agriculture and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1341), recommending that H.C.R. No. 245, 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. 245, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Tsuji and Chang, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1342), recommending that H.R. No. 144, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1343), recommending that H.C.R. No. 165, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 144; and H.C.R. No. 165, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano 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 Committees were adopted and H.R. No. 144, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was referred to the Committee on Finance, with Representative Carroll being excused; and

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1344), recommending that H.R. No. 207, 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. 207, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ENFORCE THE FEDERAL TRADEMARK FOR KONA COFFEE," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1345), recommending that H.C.R. No. 244, 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. 244, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ENFORCE THE FEDERAL TRADEMARK FOR KONA COFFEE," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1346), recommending that H.C.R. No. 126, 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. 126, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN EARNED-TIME PROGRAM FOR HAWAII'S NON-VIOLENT AND LOW-LEVEL DRUG OFFENDERS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1347), recommending that H.R. No. 79, be referred to the Committee on 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. 79, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was referred to the Committee on International Affairs, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1348), recommending that H.C.R. No. 86, be referred to the Committee on 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. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was referred to the Committee on International Affairs, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1349), recommending that H.R. No. 216, be referred to the Committee on 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. 216, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was referred to the Committee on International Affairs, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1350), recommending that H.C.R. No. 253, be referred to the Committee on 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. 253, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS

TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was referred to the Committee on International Affairs, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1351), recommending that H.R. No. 122, as amended in HD 1, 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. 122, HD 1, entitled: "HOUSE RESOLUTION URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND WITNESSES TO A CRIME," was referred to the Committee on Judiciary, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1352), recommending that H.C.R. No. 140, as amended in HD 1, 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. 140, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND WITNESSES TO A CRIME," was referred to the Committee on Judiciary, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1353), recommending that H.R. No. 225, as amended in HD 1, be referred to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 225, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE APPLICATION OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS TO BE REQUIRED UNDER THE STATE BUILDING CODE," was referred to the Committee on Housing, with Representative Carroll being excused.

Representative Aquino, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1354), recommending that H.C.R. No. 263, as amended in HD 1, be referred to the Committee on Housing.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 263, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPLICATION OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS TO BE REQUIRED UNDER THE STATE BUILDING CODE," was referred to the Committee on Housing, with Representative Carroll being excused.

Representatives Aquino and Hanohano, for the Committee on Public Safety & Military Affairs and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1355), recommending that H.R. No. 176, 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 Committees was adopted and H.R. No. 176, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO FORM A TASK FORCE TO INITIATE THE PLANNING AND DESIGN PROCESS TO DEVELOP A CORRECTIONAL TREATMENT FACILITY TO HOUSE ONE THOUSAND TO ONE THOUSAND TWO HUNDRED INMATES ON UNDEVELOPED HAWAIIAN HOME LANDS ON THE ISLAND OF

HAWAII, AND/OR TO CONSIDER THE FEASIBILITY OF A COMMUNITY-BASED PROGRAM AT THAT LOCATION," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Aquino and Hanohano, for the Committee on Public Safety & Military Affairs and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1356), recommending that H.C.R. No. 204, 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 Committees was adopted and H.C.R. No. 204, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO FORM A TASK FORCE TO INITIATE THE PLANNING AND DESIGN PROCESS TO DEVELOP A CORRECTIONAL TREATMENT FACILITY TO HOUSE ONE THOUSAND TO ONE THOUSAND TWO HUNDRED INMATES ON UNDEVELOPED HAWAIIAN HOME LANDS ON THE ISLAND OF HAWAII, AND/OR TO CONSIDER THE FEASIBILITY OF A COMMUNITY-BASED PROGRAM AT THAT LOCATION," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Mizuno and Rhoads, for the Committee on Human Services and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1357), recommending that H.R. No. 217, 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 Committees was adopted and H.R. No. 217, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN SERVICES TO CONTINUE TO ENGAGE IN DATA EXCHANGES IN ORDER TO VERIFY THE ELIGIBILITY OF RECIPIENTS OF MEDICAID ASSISTANCE," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Mizuno and Rhoads, for the Committee on Human Services and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1358), recommending that H.C.R. No. 254, 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 Committees was adopted and H.C.R. No. 254, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN SERVICES TO CONTINUE TO ENGAGE IN DATA EXCHANGES IN ORDER TO VERIFY THE ELIGIBILITY OF RECIPIENTS OF MEDICAID ASSISTANCE," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Mizuno and Cabanilla, for the Committee on Human Services and the Committee on Housing presented a report (Stand. Com. Rep. No. 1359), recommending that H.R. No. 227, 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 Committees was adopted and H.R. No. 227, HD 1, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO RELEASE OR RESTORE FUNDS TO THE DEPARTMENT OF HUMAN SERVICES FOR EARLY EDUCATION PROGRAM FOR THE HOMELESS CHILDREN ON THE LEEWARD COAST OF OAHU," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Mizuno and Cabanilla, for the Committee on Human Services and the Committee on Housing presented a report (Stand. Com. Rep. No. 1360), recommending that H.C.R. No. 265, 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 Committees was adopted and H.C.R. No. 265, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO RELEASE OR RESTORE FUNDS TO THE DEPARTMENT OF HUMAN SERVICES FOR EARLY EDUCATION PROGRAM FOR THE HOMELESS CHILDREN ON THE LEEWARD COAST OF OAHU," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1361), recommending that H.R. No. 183, 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. 183, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING A COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1362), recommending that H.C.R. No. 212, 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. 212, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING A COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1363), recommending that H.R. No. 76, 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. 76, entitled: "HOUSE RESOLUTION STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1364), recommending that H.C.R. No. 82, 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. 82, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and McKelvey, for the Committee on Hawaiian Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1365), recommending that H.R. No. 280, 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 Committees was adopted and H.R. No.

280, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, WITH INPUT FROM THE OFFICE OF HAWAIIAN AFFAIRS, TO EXAMINE THE FEASIBILITY OF JOINTLY ESTABLISHING A NATIVE HAWAIIAN RESEARCH, SCIENCE, AND TECHNOLOGY PARK," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and McKelvey, for the Committee on Hawaiian Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1366), recommending that H.C.R. No. 315, 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 Committees was adopted and H.C.R. No. 315, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, WITH INPUT FROM THE OFFICE OF HAWAIIAN AFFAIRS, TO EXAMINE THE FEASIBILITY OF JOINTLY ESTABLISHING A NATIVE HAWAIIAN RESEARCH, SCIENCE, AND TECHNOLOGY PARK," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and Chang, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1367), recommending that H.R. No. 261, 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. 261, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE STATE'S COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and Chang, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1368), recommending that H.C.R. No. 296, 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. 296, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE STATE'S COMPLIANCE WITH SECTION 5 OF ACT 178, SESSION LAWS OF HAWAII 2006," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano, Chang and Keith-Agaran, for the Committee on Hawaiian Affairs, the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1369), recommending that H.C.R. No. 294, 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 Committees was adopted and H.C.R. No. 294, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING DISCUSSIONS TO PROPOSE RECOMMENDATIONS TO THE LEGISLATURE TO RESOLVE OUTSTANDING DIFFERENCES REGARDING CLAIMS OF THE OFFICE OF HAWAIIAN AFFAIRS TO INCOME AND PROCEEDS FROM THE PUBLIC LAND TRUST BETWEEN NOVEMBER 7, 1978, AND JULY 1, 2008," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1370), recommending that H.R. No. 206, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No.

206, HD 1, entitled: "HOUSE RESOLUTION URGING THE STATE OF HAWAII TO CREATE AND FUND A STATE GRANT PROGRAM FOR NATIVE HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Higher Education, with Representative Carroll being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1371), recommending that H.C.R. No. 243, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 243, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO CREATE AND FUND A STATE GRANT PROGRAM FOR NATIVE HAWAIIAN STUDENTS AT THE UNIVERSITY OF HAWAII," was referred to the Committee on Higher Education, with Representative Carroll being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1372), recommending that H.C.R. No. 289, 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, entitled: "HOUSE CONCURRENT RESOLUTION URGING SUPPORT OF STATE FUNDING FOR NA PUA NO'EAU STAFFING AND PROGRAMS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1373), recommending that H.R. No. 246, 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. 246, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1374), recommending that H.C.R. No. 279, 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. 279, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Hanohano, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1375), recommending that H.C.R. No. 180, as amended in HD 1, be referred to the Committee on Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 180, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE REAUTHORIZATION OF THE NATIVE HAWAIIAN EDUCATION ACT," was referred to the Committee on Education, with Representative Carroll being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1376),

recommending that H.C.R. No. 79, 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. 79, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW TO DETERMINE WHETHER LARGE SCALE DOG BREEDERS SHOULD BE LICENSED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1377), recommending that H.C.R. No. 146, 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. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1378), recommending that H.R. No. 190, 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. 190, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE CURRENT LAW AND PROCEDURES RELATING TO THE DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR TO ANOTHER JURISDICTION," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1379), recommending that H.C.R. No. 219, 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. 219, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE CURRENT LAW AND PROCEDURES RELATING TO THE DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR TO ANOTHER JURISDICTION," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Yamashita, for the Committee on Legislative Management presented two reports:

(Stand. Com. Rep. No. 1380), recommending that H.R. No. 29, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1381), recommending that H.C.R. No. 34, be referred to the Committee on Finance.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 29; and H.C.R. No. 34, be referred to the Committee on Finance, seconded by Representative Evans.

Representative C. Lee rose in support of both measures, stating:

"Mr. Speaker. I am in support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance, with Representative Carroll being excused; and

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1382), recommending that H.C.R. No. 160, 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. 160, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF ALL ENERGY EFFICIENCY PROJECTS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1383), recommending that H.R. No. 211, 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. 211, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII SISTER-STATE COMMITTEE TO ESTABLISH OPPORTUNITIES TO DEVELOP AND FOSTER INTERNATIONAL RELATIONSHIPS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1384), recommending that H.C.R. No. 248, 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. 248, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII SISTER-STATE COMMITTEE TO ESTABLISH OPPORTUNITIES TO DEVELOP AND FOSTER INTERNATIONAL RELATIONSHIPS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1385), recommending that H.R. No. 131, 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. 131, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE NECESSARY ASIA-PACIFIC ECONOMIC COOPERATION-RELATED PUBLIC WORKS PROJECTS BEFORE THE COMMENCEMENT OF THE ASIA-PACIFIC ECONOMIC COOPERATION SUMMIT," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1386), recommending that H.C.R. No. 150, 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. 150, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE NECESSARY ASIA-PACIFIC ECONOMIC COOPERATION-RELATED PUBLIC WORKS PROJECTS BEFORE THE COMMENCEMENT OF THE ASIA-PACIFIC ECONOMIC

COOPERATION SUMMIT," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1387), recommending that H.C.R. No. 231, be referred to the Committee on Human Services.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 231, 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 Human Services, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1388), recommending that H.R. No. 169, 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. 169, entitled: "HOUSE RESOLUTION AFFIRMING THE INTENT OF THE LEGISLATURE THAT AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN BE DONE THROUGH THE PUBLIC HEARINGS PROCESS," was referred to the Committee on Judiciary, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1389), recommending that H.C.R. No. 195, 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. 195, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE INTENT OF THE LEGISLATURE THAT AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN BE DONE THROUGH THE PUBLIC HEARINGS PROCESS," was referred to the Committee on Judiciary, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1390), recommending that H.R. No. 189, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1391), recommending that H.C.R. No. 218, be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 189; and H.C.R. No. 218, be referred to the Committee on Judiciary, seconded by Representative Evans.

Representative Fontaine rose to speak in support of both measures, stating:

"Yes, Mr. Speaker. I'm standing in strong support of Stand. Com. Rep. Nos. 1390 and 1391. This is an audit that's requesting that the Judiciary look at making sure that the laws are being applied fairly and equitably to protect the rights of domestic violence victims. Too often we've heard horror stories where this has not occurred. This will allow us to be able to look at the broad scope of how the law is being applied, if it's being applied fairly, and ultimately helping protect the rights of the abuse and domestic violence victims. Thank you."

Representative Mizuno rose to speak in support of both measures, stating:

"Mr. Speaker, in support of the Stand. Com. Report Nos. 1390 and 1391. Thank you. Could I have the words of the Representative from Kihei placed into the Journal as if they were my own? I'd like to just add that an audit is not necessarily a bad thing. Perhaps after the audit, we can

improve the judicial system. So I don't think it's a bad thing. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 189, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE APPLICATION AND ENFORCEMENT OF SECTION 571-46, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary, with Representative Carroll being excused; and

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE APPLICATION AND ENFORCEMENT OF SECTION 571-46, HAWAII REVISED STATUTES," was referred to the Committee on Judiciary, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1392), recommending that H.R. No. 248, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1393), recommending that H.C.R. No. 281, 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. 248, HD 1; and H.C.R. No. 281, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative C. Lee rose to speak in support of both measures, stating:

"Mr. Speaker, I am in support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 248, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE AND THE CITY AND COUNTY OF HONOLULU TO SUPPORT A WASTE MANAGEMENT SYSTEM THAT EQUITABLY DISTRIBUTES ITS BENEFITS AND BURDENS ACROSS THE COMMUNITY," was referred to the Committee on Finance, with Representative Carroll being excused; and

H.C.R. No. 281, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE CITY AND COUNTY OF HONOLULU TO SUPPORT A WASTE MANAGEMENT SYSTEM THAT EQUITABLY DISTRIBUTES ITS BENEFITS AND BURDENS ACROSS THE COMMUNITY," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Yamane and Herkes, for the Committee on Health and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1394), recommending that H.R. No. 94, 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 Committee was adopted and H.R. No. 94, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was referred to the Committee on Legislative Management, with Representative Carroll being excused.

Representatives Yamane and Herkes, for the Committee on Health and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1395), recommending that H.C.R. No. 103, 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. 103, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED MANDATED COVERAGE OF HEALTH INSURANCE FOR TOBACCO CESSATION AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was referred to the Committee on Legislative Management, with Representative Carroll being excused.

Representatives Yamane and Nishimoto, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1396), recommending that H.C.R. No. 23, as amended in HD 1, be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 23, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support of Stand. Com. Rep. No. 1396 related to falls and I'd like to insert written comments. Just briefly, falls amongst the elderly, and the not so elderly, are actually one of the things that lead to the high cost of healthcare. So this is a very important resolution. Thank you, very much."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HCR23, which ESTABLISHES HAWAII STATE FALL PREVENTION AND EARLY DETECTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS.

"Our *kupuna* population is increasing, and falls are a major threat to their health and independence. Each year, one third of older adults, 65 years of age and older fall. Falls often result in serious injury, such as a hip fractures or head injuries, which requires hospitalization. In addition to the physical and emotional pain, many need to spend at least a year recovering in a long-term care facility.

"Some never return to their homes.

"In Hawaii, every five hours, a senior is so severely injured by a fall that they must be hospitalized. Locally, emergency room, hospitalization, rehabilitation and care home charges total \$143.8 million per year, which equals \$193,000 per day!

"Thirty percent of falls are preventable! The Task Force, working with health professionals, State and community agencies, and private organizations can help bring early detection and fall prevention programs to the forefront. For these reasons, I ask the Members' support."

The motion was out to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 23, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION AND EARLY DETECTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Yamane and Mizuno, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1397), recommending that H.C.R. No. 24, be referred to the Committee on Legislative Management.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 24, be referred to the Committee on Legislative Management, seconded by Representative Evans.

Representative M. Lee rose 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 HCR24, which EXTENDS THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING.

"Though authorized in 2009, the Home for Life Task Force did not officially convene until June 2010. The authorizing Resolution was very detailed, and contained many responsibilities for the task force members, all of whom are volunteers, with no budget or staff. Under these circumstances, the Task Force has made significant progress, through its four working groups.

"The Task Force held seven general meetings between June 2010 and January 2011, and submitted an Interim Report to the Legislature in January 2011. This report described the activities of the working groups and contained preliminary recommendations for your consideration. That said, a great deal more remains to be done by this volunteer body, and an extension of the life of the Task Force until June 2012 is urgently needed. I ask the Members' support."

The motion was out to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was referred to the Committee on Legislative Management, with Representative Carroll being excused.

Representatives Hanohano and Cabanilla, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1398), recommending that H.R. No. 196, 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 Committees was adopted and H.R. No. 196, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR'S COORDINATOR ON HOMELESSNESS TO STUDY THE FEASIBILITY OF ESTABLISHING KANAKA VILLAGES FOR HOMELESS NATIVE HAWAIIANS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and Cabanilla, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1399), recommending that H.C.R. No. 225, 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 Committees was adopted and H.C.R. No. 225, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S COORDINATOR ON HOMELESSNESS TO STUDY THE FEASIBILITY OF ESTABLISHING KANAKA VILLAGES FOR HOMELESS NATIVE HAWAIIANS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and Tsuji, for the Committee on Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1400), recommending that H.R. No. 195, 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 Committees was adopted and H.R. No. 195, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PARTNER WITH THE OFFICE OF HAWAIIAN AFFAIRS, THE DEPARTMENT OF AGRICULTURE, AND OTHER APPROPRIATE ENTITIES TO PROVIDE SUPPORT SERVICES TO ITS BENEFICIARIES TO ENCOURAGE SUCCESSFUL FARMING ON AGRICULTURAL AND

PASTORAL LANDS LANDS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representatives Hanohano and Tsuji, for the Committee on Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1401), recommending that H.C.R. No. 224, 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 Committees was adopted and H.C.R. No. 224, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PARTNER WITH THE OFFICE OF HAWAIIAN AFFAIRS, THE DEPARTMENT OF AGRICULTURE, AND OTHER APPROPRIATE ENTITIES TO PROVIDE SUPPORT SERVICES TO ITS BENEFICIARIES TO ENCOURAGE SUCCESSFUL FARMING ON AGRICULTURAL AND PASTORAL LANDS," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1402), 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 Johanson rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise in support of this HCR 173, Mr. Speaker. I am pleased that this Resolution was offered because of the significance Kamanui Valley has for the Moanalua community that I represent. The Moanalua Gardens Foundation does important work for the Moanalua community and the State of Hawaii. I know my neighbors and I share in our support and appreciation for this organization and its contributions. I hope that coordinating with the State's Department of Land and Natural Resources will help better serve and protect this treasure for not only the Moanalua community, but also for the entire State of Hawaii."

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.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH MOANALUA GARDENS FOUNDATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF KAMANANUI (MOANALUA) VALLEY FOR EDUCATIONAL AND CULTURAL PURPOSES," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1403), recommending that H.R. No. 78, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1404), recommending that H.C.R. No. 85, 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. 78, HD 1; and H.C.R. No. 85, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Cabanilla rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support of Stand. Com. Rep. Nos. 1403 and 1404 and I would like to give a couple of comments. Along the coastline of lower Waipahu and the Waipio Peninsula, Mr. Speaker, is some 200 acres of land that I believe is accreted or formed by two rivers flowing down to lower Waipahu from upper Waipahu.

"These 200 acres, Mr. Speaker, is unclaimed and untitled land, and I would like the Department of Land and Natural Resources to obtain title to the land for the State of Hawaii for the use of the people of Waipahu as a passive, leisure-time area, like a park. I ask Members to help me pass these measures to get the land titled so the people of Waipahu and all of us in nearby areas can enjoy this piece of real estate. Thank you."

Representative Rhodes rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Jordan 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. 78, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," was referred to the Committee on Finance, with Representative Carroll being excused; and

H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1405), recommending that H.R. No. 91, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1406), recommending that H.C.R. No. 100, 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. 91, HD 1; and H.C.R. No. 100, HD 1, be referred to the Committee on Finance, seconded by Representative Evans.

Representative Hanohano 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. 91, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LOCATE LAND SUITABLE TO CONSTRUCT A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," was referred to the Committee on Finance, with Representative Carroll being excused; and

H.C.R. No. 100, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LOCATE LAND SUITABLE TO CONSTRUCT A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," was referred to the Committee on Finance, with Representative Carroll being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1407) recommending that H.R. No. 265, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 265, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. Thank you, Mr. Speaker. As this is probably the last discussion on chocolate here for this Session, I did want to just share some, I thought, nice testimony from Dole Food Company that was given this past week or so, from Michael Conway.

The relatively new business of growing cacao for coco bean and chocolate production is one of the few bright spots in this State's diversified agriculture sector. Serious growers on all major islands are planting cacao for the first time or planning to expand their existing base.

And the reason for this is the growing recognition, unique quality, taste of the only bean to bar chocolate produced in the United States of America. And while Hawaii's cacao industry is regarded as small at the present time, it is picking up momentum due to the growing interest among chocolate manufacturers, chefs and entrepreneurs. For example, our Waialua milk chocolate recently won a gold medal at the San Francisco Chocolate Salon Awards, and the 70% dark gained high recognition at London's Academy of Chocolate.

Chef Alan Wong, a strong advocate of locally grown products, included Hawaiian grown chocolate at the White House Congressional Picnic in 2010 and also last month at the James Beard Culinary Academy.

The passage of HCR 89 designates it 'Hawaii Grown Cacao Month' and affords an excellent opportunity for growers and chocolatiers to display, sell their products at different venues from boutique to farmers market. And the month's festivities culminated this past year with the first ever Hawaii Chocolate Festival at Dole which indeed was a resounding success and will become an annual event.

"And so I think that on a positive note, when he said one of the few bright spots, this is something that is worthy of recognition. It's something that provides green and open spaces in the upcoming APEC. It's something that we can export and get investors for. I'm hoping that this will be a win, win, win. Green and open space, revenue for our people, even science jobs for our young students, and help for our economy. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And not being one to pontificate on chocolate, I felt that it was still worthy to add my voice as your Economic Revitalization & Business Chair. Opportunity, as many of you Members know, is a product of time, and one of the most opportunistic things to come along is the chocolate industry.

"And just for Member's edification, that the news about three days ago carried a report how major chocolate manufacturers were increasing the prices approximately a minimum of 15% because of the supply chain disruption of chocolate that is occurring right now with the crisis in West Africa. So again, I believe it's timely insofar as we can send a beacon to the world that there is another place to do business, and a more politically and sociably stable place to grow chocolate, and perhaps to diversify our economy. 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.R. No. 265, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING FEBRUARY 2012 AS 'HAWAII-GROWN CACAO MONTH'," was adopted, with Representative Carroll being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 1408) recommending that H.R. No. 240, 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. 240, entitled: "HOUSE RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," was adopted, with Representative Carroll being excused.

Representative Brower, for the Committee on Tourism presented a report (Stand. Com. Rep. No. 1409) recommending that H.C.R. No. 273, 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. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," was adopted, with Representative Carroll being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented two reports:

(Stand. Com. Rep. No. 1410) recommending that H.R. No. 128, be adopted; and

(Stand. Com. Rep. No. 1411) recommending that H.C.R. No. 147, be adopted.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 128; and H.C.R. No. 147, be adopted, seconded by Representative Evans.

Representative Har rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I am in strong support of Stand. Com. Rep. Nos. 1410 and 1411."

Representative Takumi rose to speak in opposition to both measures, stating:

"Thank you very much, Mr. Speaker. In opposition to both resolutions. I apologize. This one kind of slipped by me. This was a single referral to two Committees.

"I know in this Body, we have discussed trade agreements in the past. In fact, Hawaii was one of the first states that passed a law that said that the US Trade Representative has to consult with the State Legislature when it comes to procurement, because as we all know, procurement and trade agreements should be under the purview of states and not under the federal government. I think those of us who were here at that time remember that we had to override a veto on that, but I do believe it is totally within the purview of state legislatures across the country to deal with procurement.

"This one in particular, the free trade agreement, I could talk about the impact it will have on the environmental laws that we have, on tourism, your pharmaceutical drugs. But let me just focus on one aspect: on the agriculture tariffs.

"As we all know, free trade agreements, what it does is it removes tariffs for agricultural products. So when it comes to the case of Korea, it would allow Korea then to purchase agriculture products and export them to Hawaii, or to the rest of the United States, at a greatly reduced cost. And

people will say, 'Well that's good because that will result in lower costs to consumers.'

"Well let's not forget what NAFTA did. What NAFTA did, the North American Free Trade Agreement, it led to the reduction of 5 million manufacturing jobs in this country. They went to Mexico. It was a great thing for multinational corporations, but a terrible thing for workers in the United States.

"Let me just talk about the ag products. Here's the reality. Even with zero Korean tariffs, most of Hawaii's agriculture products cannot come close to the low prices for which these products are sold to Korea by others. For example, banana farmers in India sell their crop at one-fourth the price that local farmers in Hawaii require. Peruvian farmers sell guava at \$173 per metric ton, while our price is \$346. In Thailand, the largest pineapple producer in the world, the United States now ranks 19th, Thai farmers sell their pineapples at \$120 per metric ton, while our local pineapples sell for \$458 per metric ton. The global marketplace for coffee is \$2.05 per pound, while our price is \$3.20 per pound.

"I could go on, and on, Mr. Speaker, but you get the point. That even with the elimination of tariffs, we're not going to be able to compete and it will have a tremendous impact on local farmers.

"So there's no doubt that so called free trade agreements have been very good for multinational corporations. The question we need to ask ourselves on this Floor today is whether or not it's good for workers. In my book, the answer for that is no, and that's why I cannot support these two resolutions. Thank you."

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, I think I was here at that particular time and I would rise in support of this. Not as a retort, but to remind people that free trade builds peace. It builds prosperity. It creates jobs. And it makes do best with what a nation is most best equipped with, resourced, and in effect, has in a global economy.

"Fortunately the prevailing spirit in the world is free trade, and if anybody remembers some of the origins of the Second World War, it was trade barriers. It was protecting local industries against other industries. And the mindset if on the micro level that we've just heard, is amplified at a macro level, those are the dangers of which we have in the world when we don't promote free trade.

"Now we've got to do it wisely. We just don't give away the store, but we also promote a rational realization that we're in a global economy. We are better through competition. We are better through free trade. And let's face it, the world has prospered through this doctrine. Not through control and command, or through socialist, or communist, or otherwise ideology. It's a, we are on our own and we are not in a global economy.

"Mr. Speaker, this is a good step with the South Korean economy, which is growing gangbusters. North Korea envies the South Koreans and this is the beginning of a number of trade agreements throughout the Pacific Region which we will hear and see more of, including Burma and all the other nations in Southeast Asia. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 128, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE THE UNITED STATES-KOREA TRADE AGREEMENT," was adopted, with Representative Takumi voting no, and with Representative Carroll being excused; and

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE THE UNITED STATES-KOREA TRADE AGREEMENT," was adopted, with Representative Takumi voting no, and with Representative Carroll being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1412) recommending that H.C.R. No. 234, 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. 234, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION'S DECLARATION ON A CULTURE OF PEACE," was adopted, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1413) recommending that H.R. No. 274, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1414) recommending that H.C.R. No. 309, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 274, HD 1; and H.C.R. No. 309, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support of Stand. Com. Report Nos. 1413 and 1414. Thank you, Mr. Speaker. These two resolutions recognize the dogs that help citizens with disabilities, aid the blind, and our seniors and everyone else.

"And as the Representative of Liliha, Nuuanu that has probably more human service organizations than almost any district, and in particular one of our top jewels is Ho'opono, where our blind learn to become such productive and happy citizens.

"I think it's kind of nice to again rise on animals of merit. You can see it. It just seems to be a continuum that I'm talking about, merit. Dogs have so much merit, and when we support merit we rise, all of us. So this is one of the genesis of these resolutions, but to also acknowledge which is a national effort here, those dogs that help our blind. 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. 274, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST AS "NATIONAL ASSISTANCE DOG WEEK"," was adopted, with Representative Carroll being excused; and

H.C.R. No. 309, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST AS "NATIONAL ASSISTANCE DOG WEEK"," was adopted, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1415) recommending that H.R. No. 228, 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. 228, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS "DOWN SYNDROME AWARENESS MONTH" IN HAWAII," was adopted, with Representative Carroll being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 1416) recommending that H.C.R. No. 266, 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. 266, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS "DOWN

SYNDROME AWARENESS MONTH" IN HAWAII," was adopted, with Representative Carroll being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1417) recommending that S.B. No. 1301, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1417 on S.B. No. 1301, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1301, SD 1, HD 1, were made available to the Members of the House.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1418) recommending that S.B. No. 1054, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1418 on S.B. No. 1054, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1054, SD 1, HD 2, were made available to the Members of the House.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1419) recommending that S.B. No. 49, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1419 on S.B. No. 49, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 49, SD 1, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1420) recommending that S.B. No. 1482, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1420 on S.B. No. 1482, SD 1, HD 1, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1482, SD 1, HD 1, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1421) recommending that S.B. No. 27, SD 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. 27, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Carroll being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1422) recommending that S.B. No. 106, SD 1, 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 Committee be adopted, and that S.B. No. 106, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I stand with strong reservations on Standing Committee Report 1422. I'm just concerned about us as a Body going in after the fact and determining what the sentencing should be, or should not

be, based on what the Judiciary finds in these kinds of sentences. So I have my reservations about this measure. Thank you."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I also have the same reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 106, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Carroll being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representative Carroll was excused.)

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1423) recommending that S.B. No. 124, SD 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. 124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representative Carroll being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1424) recommending that S.B. No. 704, SD 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. 704, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 49 ayes, with Representative Carroll being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1425) recommending that S.B. No. 1346, SD 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. 1346, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed Third Reading by a vote of 49 ayes, with Representative Carroll being excused.

At 12:57 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 124, SD 1
S.B. No. 704, SD 2
S.B. No. 1346, SD 2

LATE INTRODUCTIONS

The following late introductions were made to the Members of the House:

Representative C. Lee introduced and welcomed back, former House Sergeant-at-Arms staff, Ms. Barbara Leong.

Representative Fontaine introduced fellow officers from the Maui Police Department.

disagreed to the amendments made by the Senate to the following measures:

ANNOUNCEMENTS

Representative Cabanilla: "Mr. Speaker, on behalf of your Committee on Housing, I would like to invite all the Members for a briefing about the use of low-income tax credits in building affordable homes. It's sponsored by LURF, the Land Use Research Foundation, as well as Stanford Carr Development. It will be at Room 329 at 5:00 p.m., and there will be light refreshments. Thank you, Mr. Speaker."

H.B. No. 79, HD 1, SD 1
H.B. No. 338, HD 2, SD 1
H.B. No. 848, HD 2, SD 1
H.B. No. 931, SD 1
H.B. No. 1326, HD 2, SD 1

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.

<u>Nos.</u>	<u>Referred to:</u>
68, SD1	Jointly to the Committee on Education and the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
79, SD1	Committee on Education

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R.

<u>Nos.</u>	<u>Re-referred to:</u>
226	Committee on Finance
264	Committee on Finance

H.C.R.

<u>Nos.</u>	<u>Re-referred to:</u>
20	Committee on Culture & the Arts, then to the Committee on Finance
264	Committee on Finance
299	Committee on Finance

S.B.

<u>No.</u>	<u>Re-referred to:</u>
923	Committee on Human Services

ADJOURNMENT

At 12:59 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, Wednesday, April 6, 2011. (Representative Carroll was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has

FORTY-FOURTH DAY

Wednesday, April 6, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Keith-Agaran, M. Lee and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Third Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 774) was received and announced by the Clerk:

Gov. Msg. No. 774, dated April 1, 2011, appointing Derek S.K. Kawakami to the 14th House District with a term expiring November 6, 2012.

The Speaker appointed the Sergeant-at-Arms to escort Mr. Derek S.K. Kawakami, and the Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, to the rostrum.

The Speaker then appointed the Assistant Sergeant-at-Arms to escort Mr. Kawakami's family and friends to the rostrum.

The Speaker then requested that the Chief Justice administer the Oath of Office.

OATH OF OFFICE

The Honorable Mark E. Recktenwald, Chief Justice of the State of Hawaii, addressed Mr. Kawakami and administered the Oath of Office in accordance with the provisions of the Constitution of the State of Hawaii.

The Speaker then presented to the Members of the House the newest Member of the House, Representative Derek S.K. Kawakami, and introduced his special guests who accompanied him at the rostrum:

Wife, Mrs. Monica Kawakami, and daughter, Miss Haillee Kawakami;
Parents, Mr. Charles and Mrs. Arlene Kawakami;
Aunt, Mrs. Gert Toma;
Aunt and former Representative, Mrs. Bertha Kawakami, and cousin,
Ms. Lyndall Kawakami;
Aunt and Uncle, Mrs. Marion and Mr. Clifford Horita;
Niece, Ms. Chanel Kawakami;
Grand Nephew, Baby Niko Kawakami; and
Family friend, Ms. Kaye Nakata.

The Speaker also welcomed Senators Ronald Kouchi, Malama Solomon and Donovan Dela Cruz, who were seated on the Floor of the House; and Senator Kouchi's wife, Mrs. Joy Kouchi, who was seated in the gallery.

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 12:21 o'clock p.m. with Vice Speaker Manahan presiding.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 394 through 397) were received and announced by the Clerk:

Sen. Com. No. 394, transmitting S.C.R. No. 14, SD 2, entitled: "SENATE CONCURRENT RESOLUTION DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF DEFENSE FOR THE YOUTH CHALLENGE ACADEMY, REQUESTING THE DEPARTMENT OF DEFENSE TO LOOK TO OTHER PLACES ON THE BIG ISLAND TO RELOCATE THE YOUTH CHALLENGE ACADEMY, AND URGING THE DEPARTMENT OF PUBLIC SAFETY TO REOPEN KULANI CORRECTIONAL FACILITY AT THE PRESENT SITE OF THE YOUTH CHALLENGE ACADEMY AND REHIRE THE SAME STAFF," which was adopted by the Senate on April 5, 2011.

Sen. Com. No. 395, transmitting S.C.R. No. 80, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE FEASIBILITY OF USING EXISTING TELECONFERENCING AND VIDEOCONFERENCING FACILITIES FOR UNIVERSITY OF HAWAII BOARD OF REGENTS AND BOARD OF EDUCATION MEETINGS," which was adopted by the Senate on April 5, 2011.

Sen. Com. No. 396, transmitting S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO DEVELOP STATEWIDE POLICIES FOR FAMILY ENGAGEMENT FOR HAWAII'S PUBLIC SCHOOLS," which was adopted by the Senate on April 5, 2011.

Sen. Com. No. 397, transmitting S.C.R. No. 150, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COMMUNITY SERVICES BLOCK GRANT PROGRAM AND STRONGLY OPPOSING BUDGET CUTS PROPOSED BY THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS," which was adopted by the Senate on April 5, 2011.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1426) recommending that S.B. No. 631, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1426 on S.B. No. 631, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 631, SD 1, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1427) recommending that S.B. No. 1484, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1427 on S.B. No. 1484, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1484, SD 1, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1428) recommending that S.B. No. 1559, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1428 on S.B. No. 1559, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 1559, SD 2, HD 2, were made available to the Members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1429) recommending that S.B. No. 101, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1429 on S.B. No. 101, SD 1, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 101, SD 1, HD 2, were made available to the Members of the House.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1430) recommending that S.B. No. 40, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1430 on S.B. No. 40, SD 2, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 40, SD 2, HD 2, were made available to the Members of the House.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1431) recommending that S.B. No. 1417, 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. 1417, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE REHABILITATION COUNCIL," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

Representatives Aquino and Yamane, for the Committee on Public Safety & Military Affairs and the Committee on Health presented a report (Stand. Com. Rep. No. 1432) recommending that S.B. No. 219, 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. 219, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain Senate Bills for Third Reading by consent calendar. (Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward were excused.)

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1433) recommending that S.B. No. 1273, SD 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. 1273, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

At 12:23 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1273, SD 1

THIRD READING

S.B. No. 27, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 27, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

At 12:24 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 27, SD 1

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 304) was announced by the Clerk and the following action taken:

H.R. No. 304, entitled: "HOUSE RESOLUTION RELATING TO THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SIXTH LEGISLATURE," was offered by Representative Say.

Representative B. Oshiro moved that H.R. No. 304 be adopted, seconded by Representative Evans and carried, with Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward being excused.

ANNOUNCEMENTS

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of reconsidering a prior decision on S.B. No. 1270, SD 2, Relating to the Hawaii Hurricane Relief Fund, on Wednesday, April 6, today, at 6:32 p.m. in Conference Room 308, and the Chair "so ordered."

Representative Tokioka: "Thank you, Mr. Speaker. On behalf of the office staff of Representative Kawakami, Marissa and the staff, they would like to invite Members to Room 314 for light refreshments and to welcome Representative Kawakami. Thank you, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
4, SD1	Committee on Health
25, SD1	Committee on Health, then to the Committee on Finance
46, SD1	Committee on Judiciary
143	Committee on Human Services, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.R.**Nos.****Re-referred to:**

149	Committee on Water, Land, & Ocean Resources
252	Committee on Economic Revitalization & Business

H.C.R.**Nos.****Re-referred to:**

172	Committee on Water, Land, & Ocean Resources
285	Committee on Economic Revitalization & Business

ADJOURNMENT

At 12:25 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 7, 2011. (Representatives Carroll, Chang, Keith-Agaran, Saiki, Souki and Ward were excused.)

FORTY-FIFTH DAY

Thursday, April 7, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:06 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll and M. Oshiro, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Twenty-Fourth and Twenty-Fifth Days were approved. (Representatives Carroll and M. Oshiro were excused.)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 398 through 402) were received and announced by the Clerk:

Sen. Com. No. 398, dated April 6, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 105, SD 2, HD 1
S.B. No. 1067, SD 1, HD 2
S.B. No. 1533, SD 1, HD 1

Sen. Com. No. 399, transmitting S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," which was adopted by the Senate on April 6, 2011.

Sen. Com. No. 400, transmitting S.C.R. No. 134, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE CREATION OF A LOCALLY-FOCUSED, HAWAII-BASED STOCK EXCHANGE," which was adopted by the Senate on April 6, 2011.

Sen. Com. No. 401, transmitting S.C.R. No. 167, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE CIVIL DEFENSE DIVISION OF THE HAWAII DEPARTMENT OF DEFENSE IS REQUESTED WORK WITH THE COUNTY CIVIL DEFENSE OR EMERGENCY MANAGEMENT AGENCIES TO EVALUATE THE APPROPRIATENESS OF TSUNAMI EVACUATION SITES IN THE STATE," which was adopted by the Senate on April 6, 2011.

Sen. Com. No. 402, transmitting H.B. No. 1089, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on April 6, 2011.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Carroll and M. Oshiro were excused.)

H.B. No. 1089, HD 1, (SD 1)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Mizuno introduced members of the American Massage Therapists Association, and the Massage Therapists Association of Hawaii who were here for the 16th Annual Massage Day at the Capitol:

Ms. Pua Gillespie, President, American Massage Therapists Association;

Ms. Barbara Manni, Vice President, American Massage Therapists Association;
Ms. Mahana Byington, Past President, Massage Therapists Association of Hawaii; and
Mr. Dustin Ebisu, President, Massage Therapists Assn. of Hawaii.

Representative Chang introduced his good friend, Mr. David Shiigi of Hilo.

ORDER OF THE 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 Carroll and M. Oshiro were excused.)

At 12:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:12 o'clock p.m.

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1417) recommending that S.B. No. 1301, SD 1, 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. 1301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1418) recommending that S.B. No. 1054, SD 1, 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. 1054, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1419) recommending that S.B. No. 49, SD 1, 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. 49, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1420) recommending that S.B. No. 1482, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1482, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine 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 S.B. No. 1482, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

At 12:13 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1301, SD 1, HD 1
S.B. No. 1054, SD 1, HD 2
S.B. No. 49, SD 1, HD 2
S.B. No. 1482, SD 1, HD 1

REPORTS OF STANDING COMMITTEES

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1434) recommending that S.B. No. 1068, 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. 1068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1435) recommending that S.B. No. 946, SD 1, 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 Committee be adopted, and that S.B. No. 946, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative M. Lee rose 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 strong support of this measure. A public record in this day and age could be broadcast over the Internet and remain online forever. This measure will protect the privacy of individuals suffering from mental illness, substance abuse, domestic violence, and those who are minors as well as the gay community.

"Domestic violence survivors would be spared from reliving the nightmare of abuse as filing for temporary restraining orders, petitions, motions can be dangerous to the victim by exposing sensitive information to the batterer or his/her employer. Victims are often afraid of retaliation.

"Women are the most targeted and vulnerable, and for the LGBT community, we must afford them the privacy they deserve.

"Cyber bullying/ stalking/ harassment are on the rise as technology evolves with social media, blogs and websites. These are outlets used to tarnish reputations and embarrass the victim with derogatory information, revelation of sexual orientation, or revealing photos. As we have seen in the news, bullying may lead to suicide. Sensitive information such as medical records, social security numbers, telephone numbers, and home addresses should be kept private.

"Let's protect vulnerable individuals with compassion."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 946, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading, with Representative M. Oshiro being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1436) recommending that S.B. No. 1342, 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. 1342, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR THE DISABLED," passed Third Reading by a vote of 50 ayes, with Representative M. Oshiro being excused.

At 12:14 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1342, SD 1, HD 1

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1437) recommending that H.R. No. 71, 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. 71, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was adopted, with Representative M. Oshiro being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1438) recommending that H.C.R. No. 78, 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. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was adopted, with Representative M. Oshiro being excused.

THIRD READING

S.B. No. 106, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 106, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I stand in opposition to this measure. Basically what we're doing here is we're violating the separation of powers by overwriting a multitude of judicial determinations with a legislative measure, after the fact. Please realize that people who have been sentenced to multiple terms have committed multiple felonies in this case, and is this something that we really want to go back and do.

"Also there's the question of liability, and I believe the Chair tried to address that. But if you have a prisoner who has maybe served two 10-year sentences, and has served already 14 years, and then we go back and we say, 'Oh, you should only serve 10.' There's four years of additional sentencing that this prisoner has served. Does that open the State to liability? Will he then come back to the courts and say, 'You need to pay me for the time that I've spent in jail.' So those are my brief comments in opposition. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"In opposition. I just want to explain to Members what this means exactly. As the previous speaker had stated, a person that committed multiple crimes and was sentenced by a judge to serve consecutive sentences for those multiple crimes, they can now get off earlier. Let me tell you who that's going to affect in my community.

"A few years ago Karen Ertell was murdered by Vernon Bartley. What Vernon Bartley did to this nice woman who helped him out, his neighbor, was he raped her and then he murdered her, then he stole her car. Of course after breaking into her house to murder and rape her, and then he watched porn from her computer. And then he stole other things.

"He was sentenced to consecutive terms for all those different counts. The judge convicted him on seven counts including murder, burglary, unauthorized computer access, car theft, and credit card fraud. And if this passes and is signed into law by the Governor, I have to go to that family who was counting on him serving the time for the multiple crimes that he did to this wonderful woman and tell them that this Legislature felt that he should get off earlier. That's what I'm going to have to do if this bill passes into law.

"This is a real family who has suffered tremendously, and now this Legislature feels that this person, this awful person, should have more freedom because now he can serve all these seven counts all at the same time. And this family who was counting on, hoping on, praying on, and trusting in the judicial system that he would serve the time for these crimes. They're going to be victimized again by this Body.

"So, Mr. Speaker, I strongly ask the Members to please not let this bill get passed into law. You will find out that there are many cases in your districts that you're going to be letting off a violent criminal free because of this legislation if it becomes law."

Representative Cabanilla rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I can certainly understand the passion of my colleague in Ewa Beach regarding these crimes and that the convicted should pay for that. But I just want to point out something that's a reality that we need to face with this.

"Suppose somebody has to serve a consecutive sentence amounting to 40 years, and they were about 40 years old when that crime happens. That means assuming they live up to the age of 80, we're going to be paying 40 years at \$165 per day. When they turn 65 and they become geriatric, they will now populate our State hospitals in the geriatric ward, and that's what's happening now.

"These precious beds that we have that are supposed to be for regular nursing homes and they are now for inmates. And furthermore, if you hospitalize those inmates in a regular hospital they come with entourages of guards amounting to thousands of dollars per day when they're hospitalized.

"Considering that we are cutting services for valuable nonprofits, are we now going to switch these precious resources to funding nursing homes and hospitalization for inmates whose cost exponentially increases? Thank you, Mr. Speaker."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I think it's important to provide some background on this bill. Specifically if people look at section one, what it talks about is Act 193 of 2008. What that means is back in 2007 our Department of Public Safety found out that the law, as written was actually not being properly interpreted by our Judiciary, as well as our Public Safety Department.

"And what this has to do with is when a judge issues their sentence upon a convicted criminal, when they issue their sentence they have the choice when there is more than one conviction of either saying that the terms will run concurrent, or they will run consecutive. If it's concurrent that means

you lump them all together and it's the maximum amount of time served. If it's consecutive, that means you add them up all together.

"So that has to do with Act 193. And what that had to tell judges to please be specific when they are issuing sentences and say whether a sentence is going to be concurrent or consecutive. Because if you remain silent, then at that point there will be an assumption that is concurrent. And as much as I feel for the Minority Floor Leader and her comments, that has nothing to do with this case because Act 193 did not apply there.

"What this does is, it says any conviction prior to Act 193, prior to 2008, for those sentences where the judge was silent, where the judge did not say whether a sentence will run concurrent or consecutive, it will run concurrent. And that is because that was the assumption and the practice in the entire Judiciary, as well as the entire Public Safety. And so that really was why judges were silent prior to 2008, because they assumed that when they didn't say it, it meant concurrent. And so all this is doing is conforming to what was practiced into law. Thank you."

Representative Pine rose to respond, stating:

"I understand all of that information, but this makes everything concurrent. That is our statement to society, that we want everything to be concurrent. And I'm telling you that many murderers, rapists, people who rape little children, are going to be getting off if the judge that did the sentence, that did maybe life with parole. That person has the opportunity to get out earlier. So when we're talking about maximum sentences, it's not 20 years. It's not 40 years. It could be as early as 5 years, 8 years, 10 years for a violent crime.

"So if we're going to be talking about geriatrics, let's be real. They're never going to have to serve all that time for violent crime. We're making a statement as a legislative body that these people should not be punished for all of their crimes. Because they're not going to be serving the time. They're just going to be punished for the crime that they have the most time, but if the judge gave the opportunity for parole, then that maximum time could be as low as 5 or 6 years for a violent crime."

Representative Har rose in opposition to the measure and asked that the remarks of Representative Fontaine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Pine and Fontaine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. And may I have the words of the Majority Leader as my own. And I also want to add that I think we're all concerned about anybody that has been harmed, and that people will get the punishment they deserve I hope.

"But what I really see in this bill that hasn't been brought up is the that Judiciary still has the discretion. Clearly the court can specify if it's concurrent or not. If it's silent, we're just setting it straight so that you don't have anybody in the Department of Public Safety, a staff person and not a judge, and maybe even the Parole Authority Board trying to interpret and understand what a judge really wants. This really gives that discretion to that body. I think this is really putting the burden more on our Judiciary. I hope the speech that was given by the Minority Floor Leader would be shared with the Judiciary. Thank you."

Representative Riviere rose to speak in opposition to the measure, stating:

"In opposition. First I'd like to share that the costs should not be the predominate factor. If we've got criminals, we've got to put them away, or we've got to have the justice server serve, just as many other agencies in this government have to operate from what is right and what is wrong.

"As to the ambiguity in the law, as far as I can see, Act 193 did clarify whatever ambiguity that may have existed since 2008 so there should not

be any uncertainty. I would note that the courts do have the ability now to correct or mend anything should it be determined that a judge had meant for it to be concurrent rather than consecutive. I imagine there are procedures in place that could be adjudicated now. So what we're being asked to do here is to make that decision, and go back and make the decision for the judge from this Floor now for all cases. And so I would say that we should not be amending this Act, and let it continue as it is and was adopted three years ago. Thank you."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 106, SD1 HD1 as currently drafted. While I recognize the genesis and intent of this bill is to save our State money by streamlining the time prisoners serve and to potentially make previous legislative intent clear, I believe this bill would have too broad of an effect on prison terms and may undo the rulings by our State courts. I also echo some of the concerns of the Department of Public Safety and City Prosecutor that were raised in their testimony against this bill: retroactive application of this bill on criminals who were purposely sentenced to serve consecutive terms may ultimately lead to criminals serving fewer years because their terms may become concurrent versus consecutive. It is important to ensure justice for all; we must prioritize the rights of victims and justice for the aggrieved."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

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 rebuttal to the House Majority Leader's comments on SB 106 concerning multiple terms of imprisonment under the Hawaii Penal Code, as well as rise in opposition to this bill. What this bill does is require that multiple terms of imprisonment must run concurrently unless the court orders or the law mandates that the terms run consecutively. This shall apply to all sentences including those that were imposed before this bill became law. And the bill directs the Department of Public Safety to recalculate the sentences of inmates who submit written requests and, if warranted by the recalculation, release those inmates.

"The Majority Leader states that this bill will not apply if the sentencing judge is silent and does not declare that the multiple prison terms shall be served concurrently. The Majority Leader is wrong. Silence on the part of the judge -- by the very terms of this bill -- does not have this effect. As the Senate Standing Committee Report points out, the multiple sentencing terms shall be served concurrently -- "unless otherwise ordered by the court." Thus, the silence of the judge shall have the effect of these multiple sentence terms being served concurrently, not consecutively.

"And because this bill applies to all sentences, even for those sentences imposed before it became law, this bill allows prisoners to get out of prison earlier despite their heinous crimes.

"This bill opens the door for convicted murderers, rapists, child molesters, and violent criminals to get out of jail earlier. What Mr. Speaker will we in this Legislature tell the victims of these crimes concerning what we're doing here today? Once again, this Legislature has made it a priority to coddle criminals who don't deserve our support -- and we've thrown to the wayside the feelings of their victims who shall once again be victimized because of the actions we are taking here today. On behalf of these victims and our community, I therefore rise in strong opposition to this bill."

The motion was put to vote by the Chair and carried, and S.B. No. 106, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Third Reading by a vote of 37 ayes to 10 noes, with Representatives Ching, Fontaine, Har, Johanson, Marumoto,

McKelvey, Pine, Riviere, Thielen and Ward voting no, and with Representatives Awana, Chang, Mizuno and M. Oshiro being excused.

At 12:28 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 106, SD 1, HD 1

ANNOUNCEMENTS

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following Senate Bills, in order to meet the Second Crossover deadline, on Thursday, April 7, today, at 2:30 p.m. in Conference Room 308, and the Chair "so ordered."

S.B. No. 165, Relating to Aerospace Development,
S.B. No. 596, Relating to Hawaii Health Corps,
S.B. No. 797, Making an Appropriation for Health Information Technology,
S.B. No. 806, Relating to Teachers,
S.B. No. 1078, Relating to Collective Bargaining,
S.B. No. 1219, Relating to the Lanai Watershed,
S.B. No. 1221, Relating to Procurement, and
S.B. No. 1555, Relating to the Department of Land and Natural Resources.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.

Nos.

Referred to:

14, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
80, SD1	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
145	Committee on Education, then to the Committee on Finance
150, SD1	Committee on Human Services, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.C.R.

Nos.

Re-referred to:

128, HD1	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services and the Committee on Health, then to the Committee on Finance
167	Committee on Agriculture, then to the 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, Friday, April 8, 2011. (Representatives Awana, Chang, Mizuno and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 7, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measure:

H.B. No. 1089, HD 1, SD 1

FORTY-SIXTH DAY

Friday, April 8, 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 M. Oshiro, Souki and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Fifth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 403 through 405) were received and announced by the Clerk:

Sen. Com. No. 403, transmitting H.B. No. 747, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE," which passed Third Reading in the Senate on April 7, 2011.

Sen. Com. No. 404, transmitting H.B. No. 1342, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," which passed Third Reading in the Senate on April 7, 2011.

Sen. Com. No. 405, transmitting H.B. No. 1520, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on April 7, 2011.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives M. Oshiro, Souki and Takumi were excused.)

H.B. No. 747, HD 1, (SD 2)
H.B. No. 1342, HD 1, (SD 2)
H.B. No. 1520, HD 2, (SD 2)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 83) was received by the Clerk and was placed on file:

Dept. Com. No. 83, dated February 16, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting 42 analyses the office has completed on special and revolving funds proposed in the current legislative session, conducted pursuant to Section 23-11, HRS.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Johanson introduced members of the JOY Seniors Group of Calvary Church in Aiea visiting the Capitol today:

Ms. Ellen Saguid;
Mr. Alberto Saguid;
Ms. Irene Ota;
Ms. Cynthia Kamakawiwoole;
Mr. Peter Kamakawiwoole;
Mr. Sam Ono;
Ms. Pat Ono;
Mr. Glenn Nakasone;
Ms. Miyo Nakasone;
Ms. Marge Kubota;
Mr. Charlie Fukuhara;
Ms. Rosy Fukuhara;

Ms. Connie Paresa;
Ms. Betty Yuen;
Mr. Yasu Fujisaki;
Ms. June Saito;
Mr. Burrell Kingsley;
Ms. Charlotte Kingsley;
Ms. Angela Kimminau;
Mr. Cody Kimminau; and
Ms. Kaleigh Kimminau.

At 12:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

ORDER OF THE 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 Nakashima, Saiki, Souki and Takumi were excused.)

UNFINISHED BUSINESS

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1426) recommending that S.B. No. 631, SD 1, 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. 631, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 49 ayes, with Representatives Saiki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1427) recommending that S.B. No. 1484, SD 1, 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. 1484, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 49 ayes, with Representatives Saiki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1428) recommending that S.B. No. 1559, 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. 1559, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Third Reading by a vote of 49 ayes, with Representatives Saiki and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1429) recommending that S.B. No. 101, SD 1, 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. 101, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 49 ayes, with Representatives Saiki and Takumi being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary

presented a report (Stand. Com. Rep. No. 1430) recommending that S.B. No. 40, 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 Committees was adopted and S.B. No. 40, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," passed Third Reading by a vote of 49 ayes, with Representatives Saiki and Takumi being excused.

At 12:52 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 631, SD 1, HD 2
S.B. No. 1484, SD 1, HD 2
S.B. No. 1559, SD 2, HD 2
S.B. No. 101, SD 1, HD 2
S.B. No. 40, SD 2, HD 2

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1439) recommending that S.B. No. 35, 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. 35, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1440) recommending that S.B. No. 1483, 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. 1483, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1441) recommending that S.B. No. 1416, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1416, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise in opposition to this measure, Stand. Com. Rep. No. 1441. What this basically will do is it will put back safety inspections on new vehicles from two years, out to three years. And we had very compelling testimony during the Committee about why this is a bad idea. Parts do wear out on cars. Tires wear out, Windshield wipers wear out. Headlights become misadjusted. One testifier said that about half of the vehicles that they inspected, there was some issue with the car that was three years and younger.

"So newer cars have issues and have things that wear out. Only about 4 of the 34 inspection items that are on the safety inspection sheet are actually covered under warranty, so the argument was that people take their car in for servicing and have their oil changed and all those problems can be identified. But actually that is not the case. There are some specific servicing that's done and unless the driver instructs the repair shop, 'Hey fix my headlight,' they won't even bother with it. They'll do the oil change and send you on your way.

"So I think we have to take a step back. I understand we're trying to perhaps save money with consumers and not having to have it done so

quickly. But I think that there's definitely safety issues regarding that. Thank you."

Representative Hashem rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Fontaine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Rhoads 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 S.B. No. 1416, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Fontaine, Marumoto, Thielen and Ward voting no, and with Representative Takumi being excused.

At 12:55 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 35
S.B. No. 1483, SD 1, HD 1
S.B. No. 1416, SD 1, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1442) recommending that S.B. No. 1260, SD 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. 1260, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1443) recommending that S.B. No. 1318, SD 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. 1318, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1444) recommending that S.B. No. 163, 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. 163, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1445) recommending that S.B. No. 233, 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 Committee was adopted and S.B. No. 233, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

TOBACCO PRODUCTS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1446) recommending that S.B. No. 1271, 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. 1271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC NOTICES FOR THE EXPENDITURE CEILING AND THE AWARDING OF GRANTS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1447) recommending that S.B. No. 1285, 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 Committee be adopted, and that S.B. No. 1285, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1285, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1448) recommending that S.B. No. 1288, 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. 1288, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1449) recommending that S.B. No. 199, 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 Committee be adopted, and that S.B. No. 199, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Takai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti 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 Committee was adopted and S.B. No. 199, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti and Takai voting no, and with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1450) recommending that S.B. No. 570, 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 Committee be adopted, and that S.B. No. 570, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. And I will for the sake of those who do want to get on an airplane, I will deliver my comments to you on Tuesday."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Nakashima rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morikawa 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."

Representative Belatti rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Luke 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 Committee was adopted and S.B. No. 570, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Belatti, Ching, Fontaine, Johanson, C. Lee, Luke, Marumoto, Nishimoto, Pine, Riviere, Takai, Thielen, Ward and Wooley voting no, and with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1451) recommending that S.B. No. 756, 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 Committee be adopted, and that S.B. No. 756, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching 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 S.B. No. 756, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Fontaine and Ward voting no, and with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1452) recommending that S.B. No. 831, 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 Committee was adopted and S.B. No. 831, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1453) recommending that S.B. No. 1186, 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 Committee be adopted, and that S.B. No. 1186, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, 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 out to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1186, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Marumoto, Pine and Ward voting no, and with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1454) recommending that S.B. No. 1356, 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. 1356, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1455) recommending that S.B. No. 120, SD 1, 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 Committee be adopted, and that S.B. No. 120, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"On Stand. Com. Rep. No. 1455, Senate Bill 120, a no vote because of the continued diversion of tobacco settlement money. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure with reservations, stating:

"Reservations as well, for similar concerns about the tobacco moneys. Thank you."

Representative Takai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti rose to speak in support of the measure with reservations, stating:

"With reservations, noting the concerns of the tobacco settlement funds diversions. Thank you."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Wooley 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."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward 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 S.B. No. 120, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Takai and Thielen voting no, and with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1456) recommending that S.B. No. 754, SD 1, 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 Committee be adopted, and that S.B. No. 754, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward 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 S.B. No. 754, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Thielen voting no, and with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1457) recommending that S.B. No. 778, 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. 778, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading, with Representative Takumi being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1458) recommending that S.B. No. 741, SD 1, 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 Committee be adopted, and that S.B. No. 741, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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 of SB 741. An increase in the liquor tax rate will not only reduce profits for restaurants, but also eliminate jobs. According to Anheuser Busch, if this bill goes through, jobs would be eliminated and community contributions that they have made in the past would be constrained. Additionally, restaurants have testified that the increasing trend amongst tourists and visitors to skip restaurants to save money is already hurting the industry.

"Additional tax increases will only further discourage visitors, tourists and regular patrons from visiting bars and restaurants resulting in even lower profits. As a result of declining profits, restaurants will be forced to cut down not only on opening hours but also jobs. Thank you."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Nishimoto 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 S.B. No. 741, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Pine and Ward voting no, and with Representative Takumi being excused.

Representatives Coffman and Chang, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1459) recommending that S.B. No. 1006, SD 1, 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. 1006, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Evans.

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote 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."

Representative Wooley rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict, Mr. Speaker? At my law firm we are involved in litigation with the City over their sewage treatment plant and the water quality standards. Thank you," and the Chair ruled, "no conflict."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative C. Lee 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 Committees was adopted and S.B. No. 1006, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Ching, Pine, Thielen and Wooley voting no, and with Representative Takumi being excused.

THIRD READING

S.B. No. 1417, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1417, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE REHABILITATION COUNCIL," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

S.B. No. 219, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 219, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative M. Lee rose 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 am almost certain that the saying, "Women are from Venus, Men are from Mars," applies to this issue. Having never experienced childbirth themselves, the Chairs' initial reluctance to hear this measure is perhaps understandable. I am happy and grateful they have finally seen the light.

"Women represent the fastest growing population in U.S. prisons. According to the Bureau of Justice Statistics, the number of women prisoners tripled between 1995 and 2008. As the number of incarcerated women rises, so does the number of pregnant women in prison.

"In Hawaii, as elsewhere, the number of women in prison is rising. Even so, Hawaii does not have anti-shackling laws on the books. Shackling can mean a combination of handcuffs, leg irons, belly chains, and Posey belts. While there are no statistics measuring the frequency with which shackles or restraints have been used on women prisoners in Hawaii, the use of such restraints on incarcerated pregnant women is common in the United States. These restraints may be used on pregnant women during transportation, but also during labor, delivery, and recovery.

"Shackling is an outdated, humiliating, and dangerous practice, which may severely impede a pregnant woman's health and the health of her child. Shackling may cause lack of oxygen to the fetus and resultant fetal distress, even fetal death.

"On March 23, 2010, Washington State became the seventh state in the Union to halt the unnecessary and inhumane practice of shackling.

"The American College of Obstetricians and Gynecologists, The American Medical Association, The Federal Bureau of Prisons, The National Bureau of Justice, and the United Nations Committee on Human Rights all oppose the shackling of pregnant women prisoners.

"In a letter written in support of federal legislation to prohibit the practice of shackling incarcerated pregnant women, Ralph Hale MD of the American College of Obstetricians and Gynecologists cited testimony being given on this issue in the California Legislature. Dr. Hale notes: "Physical restraints have interfered with the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the fetus and the mother. Similarly, they have made the process of labor and delivery more difficult than it needs to be, putting the health of mothers and unborn children at risk."

"Dr. Hale goes on to say that the shackling of incarcerated women in labor may not only compromise the health of the mother, but is also demeaning and unnecessary. Most women in correctional facilities are there for non-violent crimes.

"The safety of correctional personnel is paramount, and adequate correctional staff must be present to attend and monitor women in labor, both during and after birth, during transport to the hospital, and during recovery and hospital stay.

"Incarcerated women in labor constitute a particularly vulnerable population. PREVENTION of the practice of shackling is an important step towards humanitarian care and social justice.

"I don't ever want to hear the phrase again: Is it a problem? Let's make sure that the inhumane treatment of pregnant women prisoners is never a problem in the beautiful State of Hawaii. I urge the Members' support."

The motion was put to vote by the Chair and carried, and S.B. No. 219, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 50 ayes, with Representative Takumi being excused.

At 1:04 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1417, SD 1, HD 1
S.B. No. 219, SD 1, HD 1

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Vice Speaker. It's my privilege to announce that next Friday will be our annual Hemp Aloha Friday, or Natural Shirt Friday for my colleague from Kaimuki. We've done this now for probably about 15 years or so. We would do it closer to Earth Day, but that Friday is a holiday so we won't be here. So for those Neighbor Islanders, bring your hemp shirts back to the Capitol to wear them next Friday, or at least a natural fiber shirt. Thank you."

Representative Herkes: "Thank you, Mr. Speaker. I just want to remind the Members of the fundraiser breakfast next Wednesday. This is to benefit all of our constituents. We want to make sure that the Red Cross here in Hawaii has enough money to take care of all natural disasters in Hawaii.

"And I will tell you that we're flying in three people from Kona that went through the tsunami so they can tell us some very, very interesting stories. I got a very nice call from a gentleman in Pahala today who's sending us a check for \$1,500.

"This is strictly nonpolitical. Everybody has to pay to get in, including me. And I hope to see you all there. Thank you."

Representative M. Lee, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 23, Relating to Native Hawaiians, on Friday, April 8, today, at 2:00 p.m. in Conference Room 308, and the Chair "so ordered."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.

<u>Nos.</u>	<u>Referred to:</u>
48	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
134, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
167, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance

At this time, Representative Evans moved to keep the Journal open until 10:00 p.m. this legislative day for the purpose of receiving Standing Committee Reports and Senate Bills transmitted thereby, seconded by Representative Pine and carried. (Representative Takumi was excused.)

RECESS

At 1:07 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 9:00 o'clock a.m., Tuesday, April 12, 2011. (Representative Takumi was excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Nos. 1460 through 1604) were received by the Clerk prior to 10:00 p.m. this legislative day, and the following action taken:

Stand. Com. Rep. No. 1460 (JUD) and S.B. No. 172, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1461 (JUD) and S.B. No. 1025, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1462 (JUD) and S.B. No. 173, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1463 (JUD) and S.B. No. 782, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1464 (JUD) and S.B. No. 217, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1465 (JUD) and S.B. No. 1325, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1466 (JUD) and S.B. No. 1349, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1467 (JUD) and S.B. No. 1040, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1468 (FIN) and S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1469 (FIN) and S.B. No. 1174, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1470 (FIN) and S.B. No. 1281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1471 (FIN) and S.B. No. 1282, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1472 (FIN) and S.B. No. 1284, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1473 (FIN) and S.B. No. 1485, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1474 (FIN) and S.B. No. 81, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1475 (FIN) and S.B. No. 590, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1476 (FIN) and S.B. No. 758, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1477 (FIN) and S.B. No. 779, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1478 (FIN) and S.B. No. 1107, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1479 (FIN) and S.B. No. 142, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1480 (FIN) and S.B. No. 1241, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1481 (FIN) and S.B. No. 1311, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1482 (FIN) and S.B. No. 1530, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1483 (FIN) and S.B. No. 675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1484 (FIN) and S.B. No. 1382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1485 (FIN) and S.B. No. 1386, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1486 (FIN) and S.B. No. 809, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1487 (FIN) and S.B. No. 1331, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1488 (FIN) and S.B. No. 1332, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1489 (FIN) and S.B. No. 112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1490 (FIN) and S.B. No. 283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1491 (FIN) and S.B. No. 1522, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1492 (CPC) and S.B. No. 181, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1493 (CPC) and S.B. No. 41, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII

PREPAID HEALTH CARE ACT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1494 (CPC) and S.B. No. 1086, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1495 (CPC/JUD) and S.B. No. 975, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1496 (JUD) and S.B. No. 229, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1497 (JUD) and S.B. No. 892, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1498 (JUD) and S.B. No. 1079, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1499 (FIN) and S.B. No. 11, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1500 (FIN) and S.B. No. 45, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1501 (FIN) and S.B. No. 742, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1502 (FIN) and S.B. No. 44, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1503 (FIN) and S.B. No. 48, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1504 (FIN) and S.B. No. 1358, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1505 (FIN) and S.B. No. 1233, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1506 (FIN) and S.B. No. 1278, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1507 (FIN) and S.B. No. 1519, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1508 (FIN) and S.B. No. 99, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1509 (FIN) and S.B. No. 583, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1510 (FIN) and S.B. No. 651, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1511 (FIN) and S.B. No. 652, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1512 (FIN) and S.B. No. 1277, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1513 (FIN) and S.B. No. 150, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1514 (FIN) and S.B. No. 240, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1515 (FIN) and S.B. No. 285, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1516 (FIN) and S.B. No. 893, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ACCESS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1517 (FIN) and S.B. No. 1300, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1518 (FIN) and S.B. No. 1458, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1519 (FIN) and S.B. No. 289, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1520 (FIN) and S.B. No. 1383, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1521 (FIN) and S.B. No. 1385, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1522 (FIN) and S.B. No. 1503, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL

EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1523 (FIN) and S.B. No. 298, SD 3, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1524 (FIN) and S.B. No. 1161, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1525 (FIN) and S.B. No. 1355, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1526 (FIN) and S.B. No. 1496, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1527 (FIN) and S.B. No. 165, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1528 (FIN) and S.B. No. 752, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1529 (FIN) and S.B. No. 1213, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1530 (FIN) and S.B. No. 1292, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1531 (FIN) and S.B. No. 787, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1532 (FIN) and S.B. No. 1291, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1533 (FIN) and S.B. No. 1293, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1534 (FIN) and S.B. No. 921, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1535 (FIN) and S.B. No. 1360, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1536 (FIN) and S.B. No. 367, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1537 (FIN) and S.B. No. 725, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1538 (FIN) and S.B. No. 146, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1539 (FIN) and S.B. No. 699, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1540 (FIN) and S.B. No. 1244, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1541 (FIN) and S.B. No. 239, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1542 (FIN) and S.B. No. 596, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1543 (FIN) and S.B. No. 797, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH INFORMATION TECHNOLOGY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1544 (FIN) and S.B. No. 1348, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1545 (FIN) and S.B. No. 1274, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1546 (FIN) and S.B. No. 1078, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1547 (FIN) and S.B. No. 1088, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1548 (FIN) and S.B. No. 1221, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1549 (FIN) and S.B. No. 1341, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1550 (FIN) and S.B. No. 1065, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1551 (FIN) and S.B. No. 1076, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1552 (FIN) and S.B. No. 1089, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1553 (FIN) and S.B. No. 281, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1554 (FIN) and S.B. No. 1393, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1555 (FIN) and S.B. No. 145, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1556 (FIN) and S.B. No. 249, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1557 (FIN) and S.B. No. 1153, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1558 (FIN) and S.B. No. 14, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1559 (FIN) and S.B. No. 1247, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1560 (FIN) and S.B. No. 98, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1561 (FIN) and S.B. No. 1324, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1562 (FIN) and S.B. No. 1328, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1563 (FIN) and S.B. No. 1329, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1564 (FIN) and S.B. No. 1493, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1565 (FIN) and S.B. No. 823, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1566 (FIN) and S.B. No. 1327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1567 (FIN) and S.B. No. 1555, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1568 (FIN) and S.B. No. 1219, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LANAI WATERSHED," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1569 (FIN) and S.B. No. 1511, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1570 (FIN) and S.B. No. 1549, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1571 (FIN) and S.B. No. 903, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1572 (FIN) and S.B. No. 912, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1573 (FIN) and S.B. No. 1394, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1574 (FIN) and S.B. No. 900, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1575 (FIN) and S.B. No. 1073, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1576 (FIN) and S.B. No. 52, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1577 (FIN) and S.B. No. 1491, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1578 (FIN) and S.B. No. 155, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1579 (FIN) and S.B. No. 1347, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1580 (FIN) and S.B. No. 1270, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1581 (FIN) and S.B. No. 698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1582 (FIN) and S.B. No. 723, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1583 (FIN) and S.B. No. 772, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1584 (FIN) and S.B. No. 1363, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1585 (FIN) and S.B. No. 318, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN HAWAII," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1586 (FIN) and S.B. No. 753, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1587 (FIN) and S.B. No. 1154, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1588 (FIN) and S.B. No. 883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1589 (FIN) and S.B. No. 244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1590 (FIN) and S.B. No. 243, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1591 (FIN) and S.B. No. 806, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1592 (FIN) and S.B. No. 23, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1593 (FIN) and S.B. No. 2, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1594 (FIN) and S.B. No. 573, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1595 (FIN) and S.B. No. 333, SD 3, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1596 (FIN) and S.B. No. 986, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1597 (FIN) and S.B. No. 1290, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1598 (FIN) and S.B. No. 1520, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1599 (FIN) and S.B. No. 1269, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF COMPENSATION FOR PURPOSES OF THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1600 (FIN) and S.B. No. 1095, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1601 (FIN) and S.B. No. 1055, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1602 (FIN) and S.B. No. 1062, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1603 (FIN) and S.B. No. 1061, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on April 12, 2011.

Stand. Com. Rep. No. 1604 (FIN) and S.B. No. 1083, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," were placed on the calendar for Third Reading on April 12, 2011.

ADJOURNMENT

At 10:00 o'clock p.m., the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, April 12, 2011.

HOUSE COMMUNICATIONS

House Communication dated April 8, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 747, HD 1, SD 2
H.B. No. 1342, HD 1, SD 2
H.B. No. 1520, HD 2, SD 2

**26th LEGISLATURE
JOINT HOUSE-SENATE
2011 COMMITTEES ON CONFERENCE PROCEDURES**

The Senate and the House have agreed to the following special procedures for all 2011 Regular Session Committees on Conference. For purposes of these procedures:

"Chairs" refers to all of the designated chairs and co-chairs of a Conference Committee.

"Conference Committee" refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular measure.

"Lead chair" refers to the chair of the House Committee or the Senate Committee who is listed first on the Action Sheets, as provided by the respective chamber.

"Lead committee staff" refers to the staff of the lead Chair from the chamber from which the measure in conference originated.

"Managers" refers to all members of the House and Senate assigned to a Conference Committee.

1. Conference Committee Scope and Amendments

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a measure. Accordingly:

- a. With the exception of the Executive Budget, the Judiciary Budget, and the Budget of the Office of Hawaiian Affairs, a Conference Committee shall not amend a measure by inserting any unrelated or new subject matter.
- b. To assure the integrity of individual measures, the merging of two or more distinct but related measures into one encompassing measure shall not be allowed.

2. Conference Committee Meeting Times

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 12:00 midnight.

3. Initial Public-Meeting Notice

The signatures of all chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice. Lead chairs from both houses are encouraged to sign meeting notices first, before distributing them to other chairs to sign.

Chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee, and are strongly encouraged to provide more than 24 hours notice if at all possible. Written notices shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official postings. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

4. Notice of Subsequent Meetings

- a. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet again before midnight on the same day, the lead chairs of both chambers shall publicly announce at the meeting the time and place at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting shall be submitted to the Senate Chief Clerk

and the House Sergeant-at-Arms for official posting as soon as possible. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

- b. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet on another day, the lead chairs of both chambers shall publicly announce at the meeting the date(s), time(s), and place of the subsequent meeting(s), and submit written notice to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

- c. If agreement is not reached at a duly noticed meeting and the date(s), time(s), and place of future meetings are not publicly announced at that noticed meeting, chairs shall ensure that a written meeting notice, signed by the lead chairs of their respective chamber, is submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting at least 24 hours in advance of the next meeting of the Conference Committee.

5. Conference Room Notice

The lead committee staff shall post notices of Conference Committee meetings adjacent to the door of the assigned conference room at the time of the meeting.

6. Attendance at Meetings

Except as otherwise provided in these procedures, attendance requirements shall be established by the respective chamber.

7. Conference Discussion

Except as authorized by the respective chairs, only the respective chairs may speak during conference. All other managers or other authorized persons shall be recognized by their respective chairs before speaking on any issue.

8. Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers

- a. Managers shall respect the differing views of other managers and conduct themselves in a courteous manner.

- b. Chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee shall have the names of the absent chairs paged through the State Capitol public address system.

- c. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the managers and members of public present that the Conference Committee cannot be convened or reconvened, and that, pursuant to 4c of these Committees on Conference Procedures, a 24-hour advance notice shall be provided for a subsequent meeting of the Conference Committee.

9. Decision-making Meeting

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

- a. A quorum of the Conference Committee shall be present for the decision making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the Conference Committee for their respective chamber.

- b. To report a measure out of Conference Committee in amended form, Conference Draft (CD), a majority of the quorum of managers

d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agree to the amendments made by the non-originating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee shall vote on the measure, returning it to the House in its SD form. For such action, only a quorum of the Conference Committee managers representing the chamber from which the measure originated need to be present. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

4/8/11
Date

158-10

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FORTY-SEVENTH DAY

Tuesday, April 12, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 9:01 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Awana, Har, Herkes and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Sixth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 193 and 1107) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 193, dated April 5, 2011, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, requesting immediate consideration and passage of Senate Bill No. 1270, Relating to the Hawaii Hurricane Relief Fund, to appropriate funds from the Hawaii Hurricane Relief Fund to the general fund for the purpose of balancing the state budget.

Gov. Msg. No. 1107, informing the House that on April 08, 2011, the following bill was signed into law:

S.B. No. 123, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS." (ACT 007)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 406 through 415) were received and announced by the Clerk:

Sen. Com. No. 406, transmitting H.B. No. 112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," which passed Third Reading in the Senate on April 8, 2011.

Sen. Com. No. 407, transmitting H.B. No. 235, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," which passed Third Reading in the Senate on April 8, 2011.

Sen. Com. No. 408, transmitting H.B. No. 1053, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS," which passed Third Reading in the Senate on April 8, 2011.

Sen. Com. No. 409, transmitting H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on April 8, 2011.

Sen. Com. No. 410, transmitting H.B. No. 1622, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on April 8, 2011.

Sen. Com. No. 411, transmitting S.C.R. No. 69, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ITS PROGRESS ON THE INCORPORATION OF ENVIRONMENTAL CURRICULA INTO ITS STANDARDS-BASED SYSTEM AND GENERAL LEARNER OUTCOMES," which was adopted by the Senate on April 8, 2011.

Sen. Com. No. 412, transmitting S.C.R. No. 71, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO REVIEW THE DUTIES AND RESPONSIBILITIES OF THE AGRIBUSINESS DEVELOPMENT CORPORATION AND MAKE RECOMMENDATIONS TO IMPROVE

THE CORPORATION'S EFFICIENCY AND PROGRAMS TO BETTER ADDRESS CURRENT AND FUTURE AGRICULTURAL ISSUES," which was adopted by the Senate on April 8, 2011.

Sen. Com. No. 413, transmitting S.C.R. No. 114, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII SYSTEM TO EXAMINE THE FEASIBILITY OF RE-ESTABLISHING THE ADVANCED CERTIFICATE IN GERONTOLOGY PROGRAM, TO CONSIDER ESTABLISHING A RESEARCH EDUCATION AND MENTORSHIP PROGRAM TO SUPPORT RESEARCH ON AGING, AND TO EXPLORE WAYS TO BUILD CAPACITY TO MEET THE AGING-RELATED WORKFORCE NEEDS OF THE STATE," which was adopted by the Senate on April 8, 2011.

Sen. Com. No. 414, transmitting S.C.R. No. 132, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN EXPLORATORY STUDY ON HAWAII'S SUITABILITY AS A CLIMATOTHERAPY TOURISM DESTINATION FOR ATOPIC DISEASE PATIENTS FROM EAST ASIA," which was adopted by the Senate on April 8, 2011.

Sen. Com. No. 415, transmitting S.C.R. No. 146, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COMPILE AND SUMMARIZE THE RESULTS OF ALL STUDIES CONDUCTED ON WASTE REDUCTION IN HAWAII'S PUBLIC SCHOOLS AND PROPOSE STRATEGIES, GOALS, AND BENCHMARKS FOR REDUCING WASTE IN HAWAII'S PUBLIC SCHOOLS," which was adopted by the Senate on April 8, 2011.

Representative B. Oshiro moved to disagree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Awana and Herkes were excused.)

H.B. No. 235, HD 2, (SD 2)
H.B. No. 1053, HD 1, (SD 1)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 84) was received by the Clerk and was placed on file:

Dept. Com. No. 84, dated April 8, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the 2010 Annual Report.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative McKelvey introduced Maui County Council Chair, Danny Mateo.

ORDER OF THE 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 Awana and Herkes were excused.)

CONSENT CALENDAR

UNFINISHED BUSINESS

The Chair then announced:

"Members, at this time there will be no discussion as these items have been agreed upon by both the Majority and Minority Caucuses for placement on the Consent Calendar."

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1460) recommending that S.B. No. 172, 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. 172, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1462) recommending that S.B. No. 173, 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. 173, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1463) recommending that S.B. No. 782, SD 2, 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. 782, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1464) recommending that S.B. No. 217, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 217, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this bill which extends and tolls the statute of limitations for victims of sex abuse to initiate civil actions. This measure – while incapable of restoring the innocence lost by minors subjected to child abuse – does provide these victims an opportunity to hold perpetrators responsible civilly for their heinous actions.

"Under present statutes of limitations, many claims expire before the victims are capable of getting to court. This bill would protect the children of Hawaii by making it possible for victims to come forward and identify their perpetrators in a court of law. It would bring a measure of justice to these victims.

"Recognizing that statutes of limitations are constructed to provide fairness in legal proceedings – where memories can fade over time and where evidence and records can be difficult to locate due to the passage of years – this bill strikes a balance.

"As Professor Marci Hamilton noted in written testimony, there are three public purposes served by this bill:

- 1) The identification of previously unknown child predators to the public so children will not be abused in the future;
- 2) Giving child sex abuse survivors a day in court; and
- 3) Remedying the wrong done to child sex abuse survivors caused by an overly short statute of limitations that placed predators and their enablers in a preferred position to the victims.

In this circumstance, providing a retroactive window of opportunity for victims of childhood abuse is appropriate. As Professor Hamilton also notes:

"The Hawaii Supreme Court has upheld retroactive application of a newly extended statute of limitation to revive claims that previously expired. *Roe v. Doe*, 581 P.2d 310, 316 (Haw. 1978) (holding that "[t]he right to defeat an action by the statute of limitations has never been regarded as a fundamental or vested right . . . [W]here lapse of time has not invested a party with title to real or personal property, it does not violate due process to extend the period of limitations even after the right of action has been theretofore barred by the former statute of limitations."); *Gov't Employees Ins. Co. v. Hyman*, 975 P.2d 211 (Haw. 1999).

"Hawaii does provide for a two-year (2) statute of limitations for repressed memory cases, but victims typically have a difficult time dealing with such memories. Two years is a very short period of time within which to process the information, obtain the needed counseling to be ready to go to court, and then to find an attorney and proceed to the judicial process. The window would help them, as well as the vast majority of victims, who do not have repressed memories and simply could not get to court before the statute of limitations expired.

"This bill is necessary to provide justice for these victims. I urge my colleagues to vote for this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 217, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1465) recommending that S.B. No. 1325, SD 1, 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. 1325, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1466) recommending that S.B. No. 1349, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1349, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I fully support this bill which will amend the Hawaii Nonprofit Corporation Act, Chapter 414D, Hawaii Revised Statutes, to update our law to fit modern technology and communications. This measure allows directors to receive notice of meetings by electronic transmission and to facilitate meetings through electronic technology.

"These amendments will provide clarity and flexibility to nonprofit corporations in using technology that is readily accessible today. These changes allow greater participation while reducing administrative costs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1349, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1468) recommending that S.B. No. 1171, 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. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1469) recommending that S.B. No. 1174, 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. 1174, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1470) recommending that S.B. No. 1281, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1281, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Johanson's written remarks are as follows:

"I rise in support of SB 1281. I am very supportive of this measure because of the regularity and structure it can provide for public school administrators. I have heard from numerous principals that it is often difficult to engage in the financial planning process for their school when they are unsure as to what the Committee on Weights will decide on the actual value of the weighted student formula. By making the meetings biennial, administrators can more expediently and efficiently craft their financial plan."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1471) recommending that S.B. No. 1282, 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. 1282, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1474) recommending that S.B. No. 81, 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. 81, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1476) recommending that S.B. No. 758, SD 1, 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. 758, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1479) recommending that S.B. No. 142, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 142, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This measure relates to dams and reservoirs. This bill was not referred to the Committee on Hawaiian Affairs which is tasked to examine water issues in the State of Hawaii."

Representative Tsuji's written remarks are as follows:

"This bill protects Hawaii's water resources by establishing safeguards and mechanisms to preserve and maintain the State's dams and reservoirs.

"It specifically directs the BLNR to consider dams and reservoirs to be vital water resources for the State. It will also enable the BLNR to better understand and more strongly consider the importance of dams and reservoirs to the State in connection with the administration of the dam and reservoir safety program in DLNR.

"Agriculture is critical to Hawaii's food security and sustainability. Agriculture ventures need water. Our State is currently experiencing drought, and water storage facilities are essential infrastructure components to irrigation systems and safeguard against below average rainfall.

"The unsustainable costs for land owners and agricultural stakeholders incurred by the safety program are a serious concern. Overly burdensome regulations relating to dams and reservoirs maintenance and operation would be counterproductive to the long-term objective of preserving these facilities as valuable water resources.

"This proposed measure moves towards equitable and appropriate shared costs between private and public interests for the administration of dam and reservoir safety."

Representative Nakashima's written remarks are as follows:

"SB No. 142 requires BLNR to consider dams and reservoirs as important water resources for the State and acknowledge the need to maintain and operate them in a safe and feasible manner. Since the Koloko Dam incident on Kauai, State regulators have taken action that set unreasonable standards for agricultural reservoirs and threaten to undermine the State's goal for agricultural sustainability and security. This bill will reassert State policy to treat these reservoirs as important agricultural infrastructure and urge prudent action to balance the need for agricultural sustainability with public safety."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 142, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1481) recommending that S.B. No. 1311, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1311, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This measure authorizes the Department of Land and Natural Resources to collect fees to cover the technical assistance program costs associated with habitat conservation plans, and adopt rules for establishing the fees. This bill was not referred to the Committee on Hawaiian Affairs which is tasked to examine public land trust which may include classified conservation lands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1311, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1482) recommending that S.B. No. 1530, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1530, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This measure relates to public lands. This bill was not referred to the Committee on Hawaiian Affairs which is tasked to examine public lands."

Representative Jordan's written remarks are as follows:

"I stand with reservations to SB1530, SD1, HD2, relating to the extension of public land leases for the purpose of improving Banyan Drive on the Island of Hawai'i. The problem with this bill is that it extends the lease period for the use of public lands to 55 years. This lease provides security for business owners who will theoretically use that security to invest in their properties. However, it neglects the public's interest to ensure State land is leased through public auction and fair procedures. The long lease term also restricts the lease values through time, limiting State revenues and making it difficult to keep up with market rents. Having incremental increases in lease terms would be in the State's best interest as it would allow the State to generate revenue and ensure that properties are maintained and yielding the greatest return."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, Senate Bill 1530 authorizes the Board of Land and Natural Resources to extend leases of public lands for hotel, resort, commercial, and industrial use upon approval of a proposed development agreement to make substantial improvements to the premises. This will add an additional dimension to State leases that would allow businesses an incentive to work to improve their State leasehold property that would insure continued viability of their business while maintaining and improving the value of the State's leasehold land."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1530, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1483) recommending that S.B. No. 675, SD 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. 675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1484) recommending that S.B. No. 1382, 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. 1382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1485) recommending that S.B. No. 1386, 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. 1386, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1487) recommending that S.B. No. 1331, 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. 1331, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1490) recommending that S.B. No. 283, 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. 283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1492) recommending that S.B. No. 181, SD 1, 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. 181, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1499) recommending that S.B. No. 11, 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. 11, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1500) recommending that S.B. No. 45, 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. 45, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1501) recommending that S.B. No. 742, SD 2, 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. 742, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1502) recommending that S.B. No. 44, SD 1, 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. 44, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1506) recommending that S.B. No. 1278, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1278, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Johanson's written remarks are as follows:

"I stand in support of SB 1278. I particularly appreciate the emphasis on protecting our seniors from the ever-increasing occurrences of identity theft and fraud."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1278, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1507) recommending that S.B. No. 1519, SD 3, 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. 1519, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1512) recommending that S.B. No. 1277, 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. 1277, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1515) recommending that S.B. No. 285, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 285, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support in reservations. This measure provides for telehealth service coverage for Medicaid and QUEST patients through an eligible mobile health van operated by a qualified provider. This bill needs to be implemented on July 1, 2011 and not on July 1, 2050. Hawaii

Island needs this mobile medical van to assist QUEST and Medicaid members in remote areas."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 285, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1516) recommending that S.B. No. 893, SD 3, 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. 893, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION ACCESS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1519) recommending that S.B. No. 289, SD 2, 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. 289, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1527) recommending that S.B. No. 165, 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. 165, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1530) recommending that S.B. No. 1292, 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. 1292, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1532) recommending that S.B. No. 1291, SD 2, 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. 1291, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1533) recommending that S.B. No. 1293, 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. 1293, HD 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1534) recommending that S.B. No. 921, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 921, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of this bill which provides for the safety of the State's youth-at-risk by providing a process for certain child service providers to provide emergency shelter and related services to minors at no cost under certain conditions. It fills a gap in the safety net needed to care for Hawaii's young people by allowing providers to refer youth in need to shelter and related services.

"Children at risk are entitled to the rights and social benefits as other citizens and should not be denied necessary services and forced onto the streets. This bill allows minors a limited authority to provide informed consent to enter emergency shelters and access services without the consent of parents or guardians. The balance struck in this bill protects child service providers while respecting the role of adults in the lives of these at-risk youth.

"This is a step forward towards ensuring that Hawaii's youth population receives the care and services needed to stay safe and go on to build productive and healthy lives. I urge my colleagues to support this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 921, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1542) recommending that S.B. No. 596, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 596, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Nakashima's written remarks are as follows:

"Senate Bill 596 appropriates funds to increase access by medically underserved resident populations to culturally appropriate primary health care services by supporting the development of the rural health workforce at the Hilo Medical Center, by implementing and sustaining the rural interdisciplinary residency program.

"The Legislature has continued to provide support for this initiative that would address the growing shortage in medical professionals especially in rural and geographically isolated areas in the State. This is done by encouraging medical doctors to participate in rural residency programs which have shown to have lead to medical practice where medical doctors they have established ties to the community while in residence programs. Unfortunately, funds appropriated by the Legislature were not released by the previous Administration and the program has had to rely on community donations and support. This measure serves as another attempt by this Legislature to establish this program in Hawaii for the benefit of Hawaii's future."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 596, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1548) recommending that S.B. No. 1221, 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. 1221, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1550) recommending that S.B. No. 1065, SD 1, 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. 1065, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1552) recommending that S.B. No. 1089, SD 1, 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. 1089, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1553) recommending that S.B. No. 281, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 281, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji's written remarks are as follows:

"This bill would amend the current statute to allow the animal quarantine property or facilities to be used commercially.

"The Department of Agriculture supports this bill as it favors the general commercial use of the animal quarantine property to supplement the Division's general fund appropriation. DOA is looking for ways to become more self-sufficient and this measure allows the Department to create an important revenue source from a currently underutilized 5-and-a-half acre parcel at the animal quarantine station. Funds generated under this bill will help to alleviate urgent financial need by supplementing animal industry and DOA programs and - most importantly - restoring essential positions lost in the 2009 reduction-in-force."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 281, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1555) recommending that S.B. No. 145, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 145, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. The purpose of this measure is to allow the Director of Finance to appropriate funds in order to improve various irrigation systems.

"Survival of agriculture requires reasonably priced land and reliable water supply.

"Our State's irrigation systems are often plantation area ditch systems that were constructed and maintained for our shrinking agribusinesses. These water systems – employing gravity and other engineering designs that make water delivery cheaper than energy reliant systems – remain

crucial to sustaining our farming regions. Many are over 100 years old. Providing these funds for improvements, repair, and maintenance ensures Hawaii's farmers will have some opportunity to meet Hawaii's food sustainability goals.

"I urge my colleagues to vote in favor of this bill."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This measure provides additional funding needed for improvements to irrigation systems throughout the State using general obligation bonds. This bill was not referred to the Committee on Hawaiian Affairs which is tasked to examine issues concerning water. The Moloka'i irrigation system was built for the Hawaiian homesteaders on Moloka'i."

Representative Tsuji's written remarks are as follows:

"This bill appropriates funds for various irrigation systems which provide an essential resource to farming.

"The systems listed in this bill provide reliable irrigation water to over 22,000 acres of farm land. Some of these systems are over 100 years old and direly need significant improvements to reduce water losses and maintenance costs. Funding is necessary to help extend the life of these systems and to fortify Hawaii's agriculture industry. Any disruption in water delivery to farmers could severely impact their viability as demonstrated after the 2006 earthquake on the Big Island.

"A systematic process to repair, maintain and build irrigation systems is critical as agriculture seeks to expand despite Hawaii's long standing drought conditions. Agricultural stakeholders feel this bill will greatly assist them by providing funding necessary to conduct preventative maintenance and make infrastructure and other improvements to irrigation systems for the sustainability of agriculture. These are valuable investments in the food, feed and fuel needs for Hawaii's current and future generations. If the state is committed to food and fuel security, there must be a continued commitment to water delivery infrastructure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 145, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1557) recommending that S.B. No. 1153, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1153, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. The purpose of this measure is to make it easier for new farmers and ranchers to obtain loans. Our State Constitution makes preservation of agriculture as a major goal of our land use policies. Additionally, our State has a practical need to preserve and maintain agricultural lands which is reflected in our plans to foster food security by being less dependent on crops grown elsewhere for our island food supply.

"If we don't offer the means for these farmers and ranchers to remain in cultivation, we harm our ability to protect our productive agricultural lands and surrender our food security to outside forces. This investment in Hawaii's farmers is a good use of our resources.

"As I said before, the State of Hawaii is furthering its goal to become more sustainable, and making these loans available to new farmers and ranchers fosters this goal. I urge my colleagues to vote in favor of this bill."

Representative Tsuji's written remarks are as follows:

"This is similar to a House Bill passed in early March. SB 1153 would provide affordable access to loans for new farmers by enhancing the New Farmer Program.

"Among other things, the measure raises the ceiling on program loans from \$100,000 to \$250,000. This has not been increased since the establishment of the program in 1972, despite ever-rising capital requirements. Noting this disparity, the Department of Agriculture testified in support of this proposed increase.

"The Farm Bureau also stated its strong support of the measure as it directly aids new farmers. In general, commercial lenders are reluctant to fund start-up operations because new farmers and ranchers often do not have significant collateral. This problem is compounded by banks' decrease use of ag loan officers.

"SB 1153 address these issues by increasing the availability of affordable credit- a critical step if we are committed to encouraging new farming ventures and meeting Hawaii's sustainability goals in food production."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1153, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1559) recommending that S.B. No. 1247, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1247, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This measure abolishes the Aloha Tower Development Corporation (ATDC) and transfers the ATDC assets to the Hawai'i Community Development Authority (HCDA). This bill was not referred to the Committee on Hawaiian Affairs which examines public lands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1247, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1573) recommending that S.B. No. 1394, SD 1, 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. 1394, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1576) recommending that S.B. No. 52, 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. 52, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1577) recommending that S.B. No. 1491, 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. 1491, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1578) recommending that S.B. No. 155, SD 2, 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. 155, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1581) recommending that S.B. No. 698, 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. 698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1590) recommending that S.B. No. 243, SD 2, 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. 243, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1592) recommending that S.B. No. 23, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 23, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in strong support for the Aha Kiole Advisory Council. The Legislature passed Act 212, Session Laws of Hawaii 2007, which created the Aha Kiole Advisory Committee (AKAC) to initiate a process to create a system of best practices that is based upon the indigenous resource management practice of *moku* (regional) boundary management. The AKAC fulfilled their mandate by submitting annual reports to the Legislature and consulting with Native Hawaiian Communities and the general public in the 43 *moku* in the State including fishermen, farmers, environmentalists, educators, organizations, and agencies through six statewide public conferences, island conferences held on every island, and many public *moku* and *ahupua'a* meetings convened from 2007 through 2010. Gathering and organizing the meetings and *moku* is a daunting task, but it has been accomplished through unity among the islands and an enduring need of all citizens to protect their environment. This can best be achieved by learning, integrating and incorporating the generational knowledge of the indigenous people of Hawaii into current resource policy through the Aha Moku System.

"The purpose of these public community consultation meetings was to fulfill the mandate of Act 212 and to contribute and integrate traditional and generational knowledge that is site specific into current resource management policy so that the environment and ecosystem can be strengthened, sustained and protected. The foundation of this entire effort is to protect and sustain the resource. The strength of this is in the empowerment of the citizens of specific districts to have a voice in the

protection of these very districts. This is achieved through the Aha Kiole Council (AKC) which has no authority except that of a pass-through between agencies and the people.

"The general public has embraced this concept and became part of it. The Aha Moku System encourages all stakeholders in Hawai'i ecosystem and natural assets to be a part of this.

"Because this a community consultation process, it is important to know that the foundation of the Aha Moku System is in the *ahupua'a* and the communities that live within as this is a site specific process because natural resources differ island to island, district to district. And, while this is a Hawaiian term for a grass roots natural resource initiative, it is open to everyone."

Representative Jordan's written remarks are as follows:

"I have reservations on SB23, HD2. While I support empowering Native Hawaiians to participate in management of Hawaii's natural, cultural, and historical resources, I have concerns about the exclusion of community practitioners in better resource management decisions. I am also concerned with the testimony submitted by a private individual indicating that the, "role of the Aha Kiole changed" and therefore this private individual believes that, "these changes should be further discussed among all stakeholders." It is also important to note that OHA's testimony emphasizes OHA's support for "an open and fair selection process for the proposed eight-member 'Aha Kiole Council and believes that a transparent and inclusive selection process would strengthen the council and any actions it may undertake."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 23, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

THIRD READING

S.B. No. 1068, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 1068, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill. Voting for this measure adds the torturing or killing of any pet animal belonging to another person without the consent of the pet owner to our animal cruelty criminal law in Hawaii Revised Statutes, Section 711-1108.5.

"This bill recognizes the important bond between humans and their pets and balances that interest in owners protecting their pets from harm with appropriate choice of evils exceptions. The exceptions included in this bill will prevent any unintended consequences – residents will still be able to protect themselves as allowed in our current statutes and common law from animal attacks against themselves or their own pets.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and S.B. No. 1068, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

S.B. No. 946, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 946, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill which provides some additional guidance to our court system in applying its discretionary authority in difficult and sensitive circumstances involving domestic violence victims. The purpose of this measure is to allow a motion, complaint or document to be filed that identifies a person or party as "Jane Doe" or "John Doe" in order to protect the privacy of domestic violence victims.

"This bill outlines for the court some of the relevant criteria – followed in other jurisdictions and the federal courts – to consider in balancing the interest of the public in open court proceedings and the privacy and safety concerns of the parties to the proceeding. Clearly, victims of battery or ongoing harassment may be reluctant to pursue civil actions against those victimizing them when the usual course of filing a complaint under their full name subjects them to further stigmatization and trauma. Sealing the court records from the start may be the most appropriate use of judicial discretion and this bill will assist the court in its use of that wide authority and to fashion appropriate conditions in fashioning orders to seal records.

"I urge my colleagues to vote in favor of this bill."

The motion was put to vote by the Chair and carried, and S.B. No. 946, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

S.B. No. 1318, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1318, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

S.B. No. 163, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 163, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

S.B. No. 233, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 233, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Third Reading by a vote of 50 ayes, with Representative Awana being excused.

At 9:06 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 172, SD 2, HD 2
 S.B. No. 173, SD 2, HD 2
 S.B. No. 782, SD 2, HD 1
 S.B. No. 217, SD 2, HD 2
 S.B. No. 1325, SD 1, HD 1
 S.B. No. 1349, SD 1, HD 1
 S.B. No. 1171
 S.B. No. 1174, SD 2, HD 1
 S.B. No. 1281, SD 1, HD 1
 S.B. No. 1282, SD 1, HD 1
 S.B. No. 81, HD 2
 S.B. No. 758, SD 1, HD 2
 S.B. No. 142, SD 1, HD 1
 S.B. No. 1311, SD 2, HD 1
 S.B. No. 1530, SD 1, HD 2
 S.B. No. 675, SD 1
 S.B. No. 1382, SD 2, HD 1
 S.B. No. 1386, SD 1, HD 1
 S.B. No. 1331, SD 2, HD 2
 S.B. No. 283, SD 1, HD 1
 S.B. No. 181, SD 1, HD 1
 S.B. No. 11, SD 2, HD 2

S.B. No. 45, HD 1
 S.B. No. 742, SD 2, HD 1
 S.B. No. 44, SD 1, HD 1
 S.B. No. 1278, SD 1, HD 2
 S.B. No. 1519, SD 3, HD 2
 S.B. No. 1277, SD 2, HD 2
 S.B. No. 285, SD 2, HD 2
 S.B. No. 893, SD 3, HD 2
 S.B. No. 289, SD 2, HD 1
 S.B. No. 165, SD 2, HD 1
 S.B. No. 1292, HD 1
 S.B. No. 1291, SD 2, HD 2
 S.B. No. 1293, HD 2
 S.B. No. 921, SD 2, HD 3
 S.B. No. 596, SD 2, HD 1
 S.B. No. 1221, SD 2, HD 1
 S.B. No. 1065, SD 1, HD 1
 S.B. No. 1089, SD 1, HD 2
 S.B. No. 281, SD 2, HD 2
 S.B. No. 145, SD 2, HD 2
 S.B. No. 1153, SD 1, HD 2
 S.B. No. 1247, SD 2, HD 2
 S.B. No. 1394, SD 1, HD 1
 S.B. No. 52, SD 1, HD 1
 S.B. No. 1491, SD 1, HD 1
 S.B. No. 155, SD 2, HD 1
 S.B. No. 698, SD 2, HD 1
 S.B. No. 243, SD 2, HD 1
 S.B. No. 23, SD 1, HD 2
 S.B. No. 1068, SD 1, HD 1
 S.B. No. 946, SD 1, HD 1
 S.B. No. 1318, SD 1
 S.B. No. 163, SD 1, HD 1
 S.B. No. 233, SD 2, HD 1

The Chair then announced:

"Members, please remember to submit to the Clerk your list of Senate Bills on the Consent Calendar for which you will be submitting written remarks for, in support or in opposition. This must be done before the end of today's Floor session which I am anticipating to be around 4:00 p.m."

At 9:07 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:29 o'clock a.m.

At this time, the Chair announced that certain measures would be taken out of order.

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1498) recommending that S.B. No. 1079, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1079, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Fontaine offered Floor Amendment No. 6, amending S.B. No. 1079, SD 2, HD 2, as follows:

"SECTION 1. Senate Bill No. 1079, Senate Draft 2, House Draft 2, is amended by deleting its contents, and replacing it with the following text, to read as follows:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 663, Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

"§663- Trespass; agricultural land; range land; limited duty of care and liability of owner. (a) An owner of agricultural or range land owes no duty of care to a trespasser for injury, property damage, or death of the trespasser that occurs on agricultural or range land, or to warn a trespasser of dangerous natural conditions or range activities or uses; provided that the agricultural or range land:

- (1) Is fenced, enclosed, or secured in a manner designed to exclude the general public, or marked by a structure or barrier, such as a cattle grid, cattle grate, or other obstacle used to secure livestock;
- (2) Is fenced, enclosed, or secured in a manner designed to exclude the general public, or marked by a structure or barrier that identifies it as agricultural or range land; or
- (3) Has at least one sign displayed on the agricultural or range land that is sufficient to give notice and reads: "No Trespassing" or a substantially similar message. The sign shall contain letters not less than two inches in height and shall be placed along the boundary line of the agricultural or range land in a manner and position that is clearly noticeable from outside the boundary line. Where an owner knows or should reasonably anticipate the presence of trespassers in an area or areas of agricultural or range land, a sign or signs sufficient to give notice shall be placed at the area or areas.

(b) Nothing in this section shall limit the liability of a agricultural or range land owner whose acts are grossly negligent or in willful or wanton disregard of the safety of a trespasser, or who intentionally causes injury, property damage, or death to a trespasser. This section shall not apply to minor children twelve years of age or younger where the owner knows of or should reasonably anticipate the presence of the children on the agricultural or range land.

(c) The duty of care of an owner of agricultural or range land who allows recreational use of agricultural or range land shall be as provided in section 520-3.

(d) As used in this section:

"Agricultural land" means any land exceeding four acres that is used primarily for agricultural purposes, including general farming, cane growing, fruit growing, flower growing, grazing, dairying, and the production of any form of livestock or poultry. Agricultural land includes land required for adequate farm dwellings and other essential farm buildings, roads, and adjacent lands under the control of an owner.

"Owner" means the person who holds title to or is in lawful possession of the range land.

"Range land" means any land exceeding four acres that is used primarily for range use, including livestock grazing, dairying, or keeping of equine, bovine, and similar livestock, such as cattle, horses, sheep, and goats. Range land includes appurtenant roadways, waterways, buildings, structures, and machinery or equipment attached to the land that is used in connection with range land activities. Range land in rural areas may include multiple parcels of less than four acres in size that together exceed four acres in the aggregate, when operated as a single venture.

"Trespasser" means a person who enters or remains unlawfully on the agricultural or range land without the permission of the owner."

SECTION 2. The Hawaii Farm Bureau Federation shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2013 regarding the number of personal injury claims brought by or on behalf of trespassers against owners of agricultural or range land.

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on January 1, 2012, and shall be repealed on December 31, 2017."

Representative Fontaine moved that Floor Amendment No. 6 be adopted, seconded by Representative Thielen.

Representative Fontaine rose to speak in support of the proposed floor amendment, stating:

"Yes, Mr. Speaker. The floor amendment helps protect more of our ag lands than just the ranchers. The farmers, as well as the ranchers, need protection from liabilities from trespassers. This bill is extremely important to farmers and ranchers all over the islands. And although they may not realize it, everyone in Hawaii is affected by the concerns that this bill will address.

"Trespass, theft, vandalism and liability are constant threats to Hawaii's farmers and ranchers. Every year, millions of dollars in losses are incurred as a result of agricultural trespass and the theft of crop, livestock, machinery, equipment and supplies. It is estimated that almost 10% of the net farm income is lost to trespassing thieves and vandals. Farming and ranching are inherently risky. They deal with droughts, floods, bugs, disease, market price, import competition, and transportation costs which determine success or failure of our farms.

"Trespassing vandals and thieves, and the liability for their injury should not be part of the equation, Mr. Speaker. They cannot afford to lose everything they worked so hard for to create all because of somebody trespassing on their lands. There are certainly no benefits provided to the rancher or farmer for these trespassers or their activities and therefore, they should be afforded the minimum duty of care owed to them. Thank you, Mr. Speaker."

Representative Thielen rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I'm rising in strong support of the amendment to protect our farmers. Thank you. Mr. Speaker. The bill as drafted now only protects ranchers with a certain amount of acreage. And the ones that are left without any protection are the farmers who do so much to help our economy, to help put food on our tables, and take such pains to make sure that we can truly eat local from locally-produced crops. We aren't protecting them with this bill.

"I'd like to read a few sentences from the Hawaii Farm Bureau testimony. The Farm Bureau and many others have testified at every trespass bill hearing this Session to explain how ranches and farms across Hawaii are being used without permission from owners for hunting, hiking, dirt biking, and worse, illegal activities. Hard-earned crops are stolen. Livestock is in danger by cut fences and broken gates. And valuable land is used as a rubbish dump, or a place to abuse alcohol and drugs and to commit other crimes. The police departments do not have the resources to address the problem. Recent agricultural trespass and thefts highlight the need for stricter laws and better protection from trespassers who have no respect for the work that farmers do and the benefits that they provide the public.

"And one other statement from the Hawaii Farm Bureau. Trespassing vandals and thieves, and the liability for their injuries should not be part of the equation. Individuals who trespass, hurt themselves and then sue for their injuries should not be rewarded. Farmers cannot afford to lose everything they worked so hard to create in litigation due to trespass. There is certainly no benefit provided to the farmer or rancher from these trespassers or their activities, and there should only be a minimal duty of care owed to them.

"Mr. Speaker, I believe that this Body should stand up for the farmers in our State. And when we pass this amendment we will show that we do want to protect them. Thank you."

Representative Herkes rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker and Members, the term, 'agricultural land' is far too broad. I have 400,000 acres of quote, 'ag

land' in my district. The entire Volcano community is ag land. All of those single-family homes. There's no ag there. The Oceanview community has 5,000 people. That's all ag land. They don't grow anything. It's far too broad and I oppose this."

Representative B. Oshiro rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, I rise in opposition. I will try to be very brief. I think that we all here in this Body want to support our farmers. We want to support agriculture as an industry. However, I think the problem with the bill as it's currently drafted, and as mentioned by the CPC Chair, it is way too broad.

"Specifically if you look at the floor amendment, page 3, lines number 11 through 17, there is a definition as to agricultural land. And so if we use that definition of agricultural land, because it's not actually referring to anything in our current law, we will need to go to our current law to find out what are permissible uses on agricultural lands. To do so, I would say we have to look at HRS 205-4.5, permissible uses within the agricultural land districts.

"And specifically what raises my concern is subsection 6. This is permissible activities on agricultural land which is public and private open area types of recreational uses including day camps, picnic grounds, parks, and riding stables, but not including drag strips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps. It also includes in subsection 7, public, private, and quasi-public utility lines, roadways, transformer stations, communications equipment, buildings, solid waste transfer stations, major water storage tanks.

"So the problem I think, with this current draft is it says, 'agricultural lands,' and it tries to limit what types of uses and activities, but it uses the word, 'including general farming, cane growing,' and it goes on and on. However, under our statutory construction, 'including' is not an exhaustive list. It doesn't mean it's an exclusive or limited list and therefore, it just means including, but not limited to all of these activities.

"So the problem is, once you don't define it properly as stated by the CPC Chair, you've broadened it to any type of agricultural activities. I would strongly recommend people look at the existing allowable uses under section 205-4.5 because I only read two subsections, and there are 14 or 16 different subsections on allowable uses. That is a problem with this current bill.

"I think we need to support this as it continues to move through the process. I think the Chairs in Conference are more than willing to take a look at ways in which we can protect and make sure that we enhance our agricultural industry, but unfortunately, this floor amendment is fatally flawed and therefore, I recommend people vote it down."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. The Majority Leader spoke like a true attorney. I would direct the Majority Leader to line 12 on page 3. There is language defining agricultural land that is used primarily for agricultural purposes. The Conference Committees can tighten up the language. The point is, as the House of Representatives, do we want to show that we want to protect farmers? And if so, we will pass this amendment. Thank you."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you very much, Mr. Speaker. May I have a ruling on a potential conflict? I live on land that is zoned agricultural," and the Chair ruled, "no conflict."

Representative McKelvey continued to speak in opposition to the proposed floor amendment, stating:

"Thank you, very much. I stand in opposition to the floor amendment for the very same reasons that were stated by the speaker from Ka'u. While well-intentioned, I actually do ideologically support the intent of what is

trying to be done in the Floor Amendment. But as the good speaker from the Big Island noted, it's far too overreaching and very broad.

"Is this going to include areas where land is zoned agricultural, but people living there are primarily residential? Is it going to include lands that are classified as Soil Classification D, E, and F on which no agricultural activity can even take place? On which there's only renewable energy or basically nothing going on.

"And so what I'd like to ask Members to do is, while well-intentioned, is let's just go ahead and move the underlying bill to Conference so we can work with the Farm Bureau and we can come up with language so that the farmers who are working the lands, are protected from frivolous lawsuits from trespassers. Theft is addressed in another bill, Mr. Speaker. So that we can come up with something that will truly reach the lofty goals that are being embodied, which is protection of the working farmers here in Hawaii. Thank you, very much."

Representative Pine rose, stating:

"Yes, just for the edification of the Body, since people are just reading partial words in the amendment, I'll read the whole part that explains very clearly what the intent of this amendment is, and what the intent is meant for the words, 'agricultural land.' It specifically states, word for word, 'agricultural land means any land exceeding four acres that is used primarily for agricultural purposes including general farming, cane growing, fruit growing, flower growing, grazing, dairying, and the production of any form of livestock or poultry. Agricultural land includes land required for adequate farm dwellings and other essential farm buildings and adjacent lands under the control of an owner.'

"So it does not include race tracks, parks, streets, roads that are public use. So please do not further mislead what this very kind amendment states. It's very clear to me, word for word, what its intention is."

Representative Herkes rose to respond, stating:

"Thank you. Still in opposition. When the previous speaker talked about poultry, that will include all the people in my district that raise fighting chickens."

Representative B. Oshiro rose to respond, stating:

"I'll be very brief. Unfortunately, intent cannot be read into the law. All we have is the actual language, and the actual language is flawed because as I pointed out, under statutory construction, including, even if you insert 'primarily,' it doesn't mean that it excludes all of those other uses because it is an allowable use on an agricultural district. Our laws define those allowable uses, so if it's primarily used as a drag strip, that's primarily agricultural use on an agricultural lands. So for those reasons I would suggest that people stop arguing about what is the intent or not. Do our job. Read the bills. Learn how to draft bills so that they are properly constructed, and therefore we can take up things as they are meant to be."

Representative Pine rose to respond, stating:

"Mr. Speaker, with all due respect to the previous speaker, I take great umbrage in what he is implying. If this becomes law, it will be law. It's not primarily or implied. That's just false, Mr. Speaker. This will become law where it specifically states what agricultural land means. My intelligence is insulted."

The Chair addressed Representative Pine, stating:

"Representative Pine, you are out of order. Please proceed with your comments in regards to the floor amendment that is before us."

Representative Pine continued, stating:

"Well, as I stated, Mr. Speaker, if this amendment passes into law, it will specifically say this, and not be implied or perceived. It will be very strict in what it's meanings and intentions are."

The motion that Floor Amendment No. 6, amending S.B. No. 1079, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representatives Herkes, McKelvey and B. Oshiro voting no.

(Main Motion)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1079, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Fontaine and Pine voting no.

At 9:44 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1079, SD 2, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1504) recommending that S.B. No. 1358, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1358, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

At this time, Representative Ward offered Floor Amendment No. 7, amending S.B. No. 1358, SD 2, HD 2, as follows:

"SECTION 1. Senate Bill 1358, Senate Draft 2, House Draft 2, is amended by amending Section 1, to read as follows:

"SECTION 1. The Kulani correctional facility closed on November 20, 2009, and the facility was transferred to the state department of defense. The incarcerated population of approximately one hundred twenty at the Kulani correctional facility was transferred to the Halawa correctional facility, to the federal detention center in Honolulu, and to mainland prisons. The Kulani correctional facility specialized in providing sex offender treatment, which the department of public safety describes as being one of the most successful programs in the country.

The legislature finds that Hawaii's incarcerated persons who serve their incarceration sentence in Hawaii have more potential for rehabilitation when they can live in familiar surroundings and be close to relatives. The legislature further finds that the sex offender treatment services that were provided at the Kulani correctional facility were among the finest in the country. The legislature further finds that consideration of the State's financial costs of incarceration on the mainland, rather than incarceration in Hawaii, is outweighed by the rehabilitation success of persons incarcerated in Hawaii. Successful rehabilitation eventually results in lower recidivism and lower costs.

The legislature further finds that the state department of defense opened a second National Guard Youth Challenge Academy in the fourth quarter of 2010, which is providing housing and education to over one hundred "at-risk youth" in buildings at the former Kulani correctional facility, that once held inmates of the department of public safety.

The purpose of this Act is to require the department of public safety to make plans to reopen the Kulani correctional facility."

SECTION 2. Senate Bill 1358, Senate Draft 2, House Draft 2, is further amended by amending Section 2, to read as follows:

"SECTION 2. (a) No later than December 31, 2011, the department of public safety shall:

- (1) Formulate a plan to reopen the Kulani correctional facility;
- (2) Include in that plan an implementation process to transfer incarcerated persons back to and house new inmates at the Kulani correctional facility; and
- (3) As part of that plan, find an alternate location for the Hawaii Army National Guard Youth Challenge Academy, which is currently

housed at Kulani; provided that the alternate location should be approximately equal in size, possess comparable types of facilities, and equipment of the current Kulani site, and cost not more to operate than the existing National Guard Youth Challenge Academy.

(b) The department of public safety shall not reopen the Kulani correctional facility until the Hawaii Army National Guard Youth Challenge Academy is relocated at the alternate location.

(c) The emphasis of the reopened Kulani correctional facility shall be on providing sex offender treatment rehabilitation services.

(d) The department of public safety shall cooperate with the state department of defense to transfer the Kulani correctional facility back to the department of public safety. In addition, the department of public safety shall staff the Kulani correctional facility upon its reopening with former employees of the Kulani correctional facility in the positions they held prior to the closing of the facility and, with the exception of those who wish to remain in a different location, bring back any and all employees who may have been bumped, terminated, or accepted employment in a new geographical location, regardless of any agreements made between the employee and the employer regarding transferring back to their original workplace. These positions shall be offered first to former employees of the Kulani correctional facility and Hawaii community correctional center before allowing any other transfers from employees who were not affected or employed by Kulani correctional facility or Hawaii community correctional center at the time of the closing.

(e) The department of public safety shall submit its plan and any related findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of 2012."

Representative Ward moved that Floor Amendment No. 7 be adopted, seconded by Representative Thielen.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"Mr. Speaker, thank you very much. Mr. Speaker, I rise in support of this because it's fair and because it's just. It's the right thing to do and as our former Lieutenant Governor said, 'It is easier to heal our children than to fix broken adults.' This is about our kids, the kids who are troubled, and the kids are going to be evicted if you will, Mr. Speaker, from Kulani Prison. This amendment simply says, before you evict our kids, let's find a place for them, which is the only sensible and fair thing to do.

"The National Guard Youth Challenge Program is what this is all about because they're the ones who bring in these hundreds of kids per year and get them their GED, get them back on the right path to hopefully normal lives after their troubled lives where they are now being taken out of school. They have a 22-week program curriculum. It works. In fact it works so well that retiring General Ishikawa has been tapped by Secretary of Defense Gates at the national level to replicate Youth Challenge for a million kids that have been identified to under this DOD program. So he's replicating that nationwide. We've got a stellar program here, Chair, and we've the people of Hawaii who originated this. We're the progenitors and are going to throw these kids out and make them find their own place.

"All we're saying in this amendment is, find them another place, then move back into the prisoner area. Find them a place first, and then give them a chance to do what they do. Mr. Speaker, one of the first tenants of the Hippocratic Oath, which our Caucus is discussing and adopting, is 'do no harm to our families.' This hurts the weakest families. This hurts the troubled families. This hurts those who need a second chance and we shouldn't throw them on the side while we bring other prisoners back to do what otherwise this Kulani Prison does already. Thank you, Mr. Speaker."

Representative Riviere rose to speak in support of the proposed floor amendment, stating:

"In support of the amendment. Thank you. My support is not in opposition to Kulani being used as prison. In fact, I support that. My support for this amendment involves the tossing aside without a definite

home for the Youth Challenge Academy which presently is graduating about 400 troubled youths a year at Kulani and also in Kalaeloa. These two facilities provide our at-risk youth a second chance to lead productive lives and contribute back to their communities.

"Also of importance is the Youth Challenge Academies that are sponsored by the National Guard nationwide. They're federally funded with 75% of the costs coming from a regular budgetary item. It's not an earmark. It's money set aside specifically for this program. And the amendment that we're discussing here will change this basic statement.

"In the current bill that's up for consideration here, it says, 'The Department of Public Safety is urged to assist the State Department of Defense in identifying alternative sites.' That's all it says. It will assist in identifying alternative sites. What we're asking for is the Department of Public Safety shall not reopen the Kulani Correctional Facility until the Hawaii Army National Guard Youth Challenge Academy is relocated at the alternative location.

"So I just think it will be a tragedy. I think we could all agree that it would be a tragedy if our at-risk youth lose this program due to a rush to do something else which has its own merits, but we mustn't toss one under the bus so that we can rush for the other. Thank you."

Representative Takai rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in opposition to this amendment. Thank you. I think Members should understand the situation at Kulani. In fact there are a couple of us that went to the opening last year of the second Youth Challenge Program.

"And I had a chance to talk with Major General Darryll Wong recently regarding the second campus. There's another concern that wasn't raised yet today, and that concern is it's in a remote area on the Big Island. So remote that right now the biggest concern for the cadets is actually the safety of the kids because of elopements. Some of the Youth Challenge cadets walk off. When you walk off at Kalaeloa there are a lot of things around there. When you walk off at Kulani, there's nothing there.

"So primarily, the concern right now in regards to the current TAG is that the safety of our kids in fact, is in jeopardy because of the location at Kulani. Now there is no doubt in my mind that the students will be moved to a safe location elsewhere prior to the closure. We owe that to the program, and we owe that to the children.

"But I think Members should understand that right now, the current assessment by our current Adjutant General suggests that the site was ill-advised. We should have not moved there and we need to look for another place.

"The other thing, Mr. Speaker, is when we had discussions Kulani last year, I think the concern among a few of us was why close a prison like that when we have in fact, hundreds, if not thousands of prisoners right now on the mainland. And our main objective right now is to get those prisoners home in facilities in Hawaii so we can pay our own people to guard our own people, and not send money away outside of the State.

"So I think people need to kind of take a look at this from a little different perspective and realize that number one, safety is a concern and we will not put our children in unsafe situations which Kulani right now is. And number two, we need to bring our prisoners home. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Mr. Speaker. Yes, a very brief rebuttal. Number one, Mr. Speaker, I would hope that the words of the previous speaker would be taken and be codified because what he said is that they're actually going to find another place before they move the prisoners in. All we want to do is to codify what he said. Now if what he said on this Floor was law, I say, end game. Finish it. But there's nothing that says they're going to do that and that's what our concern is.

"In regards to the safety. We have some people who represent the Big Island who may not share that people who are streetwise, those who got in trouble are going to be afraid of living on the Big Island. I did Peace Corp training on the Big Island. I don't think I was afraid in the rural area that I lived in. No one else should be afraid on the Big Island.

"So Mr. Speaker, I know that we have to be politically correct because this is so common sensical. Give these kids a chance. Let's do prevention. Let's do this while they're young while we can get them. Recidivism rates are at 50% for everybody who goes to prison. If these kids go to prison it's going to cost us more in the long run, so it's penny wise and pound foolish. Doing the right thing which is to pass this amendment. Get the kids in there into another place, and then get the prisoners back to where they were. Thank you."

Representative Tokioka rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I'd like to raise a point of clarification. I guess when the speaker from Hawaii Kai was referencing the General Lee and the program, I think he was referring to General Ishikawa who would be running the national program, and we wish both of them Godspeed. Thank you very much, Mr. Speaker."

Representative Hanohano rose to speak in opposition to the proposed floor amendment, stating:

"Having spent 25 years at Kulani, I am in strong opposition. There really is no need for the Youth Challenge to be at Kulani. Kulani is at the 5,000 foot elevation and medical services take at least, the fastest is 45 minutes to an hour to reach Hilo Medical Center. And even for our medical vehicles to reach the facility, it takes at least a half an hour. So if we have people that have medical concerns, they won't be getting the services as fast as they could, like on Oahu.

"Also because of the climatic change up there, it becomes very cold in the winter months which is from November, December, January, and February. You walk in and it's like you're on the mainland. There's frost on the ground. It's really, really cold. Helicopters cannot land there because of the fog that sets in, in the late afternoon between the hours of 1 p.m. and all the way to the evening. Sometimes you cannot even see. Visibility is so poor. You cannot even see the person right next to you. I mean, that's how thick the fog is.

"Also because of our continuous volcanic eruptions that come up, there's a lot of vog that is set free to Kulani so youth that have respiratory conditions, they won't make it there because like I said, the medical services are not readily available as in your urban areas.

"And when they took out the prisoners, they forgot to even include the community and how it impacted our community. So the Island of Hawaii as you know, suffers from unemployment from this, plus we had to relocate a lot of our workers.

"The Youth Challenge Program is supposed to be an end of the line program, but technically, the way I look at it, it's just a military school. And in one of the briefings in January, the Youth Challenge came and said they wanted to expand and invite other mainland Youth Challenge students to be there. So I find this very deceptive.

"When I went to the opening of Kulani with the Youth Challenge, I was pretty appalled at what the former Governor said. She wanted to make that actually a charter school. Then after that, when one of the people from the National Guard said, 'Let's do Youth Challenge,' then she jumped at it and that's how we got Youth Challenge up there.

"Throughout last year when we were asking the questions of why Kulani, nobody could answer it. Then I found out the answer when I went to the opening. So I'm really in strong opposition and I don't want to even adopt this draft in front of us. Thank you."

Representative Ching rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support of the amendment. Thank you, Mr. Speaker. At its core, I guess we're asking that we invest in prevention rather than prisons. And I guess this amendment to clarify is really not to debate the issue of whether the location is so ideal. It's to debate the question of are we going to make sure that this program can continue, because if you just eliminate them, the only provision that is being made by this amendment is to make sure that there's a place prior to ending and basically maybe kicking these people out and eliminating a positive step.

"I used to tell my daughter, think of it this way. When you're approaching life and you have a problem, do you want to, should you be overflowing the tub? The tub is overflowing. The faucet is on. We've all done that maybe once. Do you take your sponge and start wiping up the water? Or do you shut off the faucet? That to me is the metaphor I've always felt for prevention in terms of our prisons, in terms of the things that we do. We need to find the source. We need to get the source, and we need to shut off the faucet, versus wiping up the floor.

"So that is why I think that our Caucus feels strongly about protecting this program that has had accolades on this Floor and that is truly, I believe, the intent of the amendment, Mr. Speaker. Thank you."

Representative Ward rose, stating:

"A point of clarification, or information. I was referred to as having referred to General Lee. It's General Ishikawa that I referred to as heading up the national program which is the model based upon this one."

The Chair responded, stating:

"That is what Representative Tokioka clarified on your behalf. He mentioned General Ishikawa."

Representative Ward: "I believe he said that I referred to General Lee. I never mentioned General Lee's name. I think maybe the gentleman who serves in the military is the one. Thank you."

Representative Takai rose to respond, stating:

"Mr. Speaker, again I'm in opposition. I just wanted to clarify to everybody, General Ishikawa our former Deputy Adjutant General is possibly heading up a national program for About Face. It's not the Youth Challenge Program. So although the focus of his program are the kids, the program that is run by him here, it is actually in the late elementary and middle-school age. Youth Challenge is a separate program, so I just wanted to make that clear."

The motion that Floor Amendment No. 7, amending S.B. No. 1358, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," be adopted, was put to vote by the Chair and upon a voice vote, failed to carry, with Representatives Hanohano, Takai and Tokioka voting no.

(Main Motion)

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have strong reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1358, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Har and Pine voting no.

At 10:00 o'clock a.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 1358, SD 2, HD 2

At this time the Chair announced:

"Members, we will return now to the Ordinary Calendar on our Order of the Day."

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1461) recommending that S.B. No. 1025, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1025, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I stand in strong support of SB 1025 and I am particularly supportive of language that highlights the intentional targeting of seniors over sixty-two years old or individuals who are incapacitated or have a developmental disability. I believe crimes committed against those individuals who are vulnerable, either because of age or disability, are among the most offensive and criminals who commit such crimes should be punished accordingly."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In strong support and just some brief comments. I'm just so glad to see this measure finally moving on to Third Reading. It is long overdue. Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1025, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 51 ayes.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1467) recommending that S.B. No. 1040, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1040, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against Senate Bill 1040. Thank you. I fully support safety in the workplace and I applaud efforts to ensure that Hawaii workers and their employers operate their businesses in a safe and appropriate manner.

"But I'm concerned that this bill is taking a punitive approach to our occupational health and safety laws by increasing fines for violations. This punishes the employer after the fact, when the employee is already harmed, rather than taking a preemptive, proactive approach. Our HIOSH formerly focused on educating employers and employees about workplace safety. This approach helps prevent accidents before they occur and I propose that's a far better way to do it.

"The federal OSHA offers to provide inspections of work sites to help employers identify and address safety concerns without fear of reprisal or punishing penalties. The State should focus on continuing to work, as the former Administration did, continue to work with the business community to help lessen the number of accidents in the workplace. I support this kind

of constructive initiatives rather than placing more financial burdens on those who create jobs in Hawaii. In other words, education can prevent injury and that's the better way to go. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I'll be very brief. I find that ironic to say that we want to look at what the former Administration did when they cut HIOSH from 14 positions, down to 3. Now we're under a federal audit. The OSHA on the federal level is asking if HIOSH even does its job.

"And so I find that very surprising to say that we should continue that model when on Friday what happened was we had five people die in an industrial accident, as well as one more in Mapunapuna. Now that's six people dying all on the same day in industrial workplace accident. I don't know if it was an OSHA violation or not, but when you only have three inspectors, the ability for inspectors to go out there and make sure that we have a safe workplace is extremely unlikely and extremely difficult.

"And so I find that extremely surprising that anyone would say these very modest increases in fines are actually something that should be opposed because we're actually only talking about a 10% increase. A 10% increase and that's the maximum amount of fine that can be assessed.

"And let me tell you how fines are assessed under our HIOSH law. What happens is there are two basic standards: one is for the seriousness of the potential injury, and one is the likelihood of the potential injury. So if it's extremely serious, like death, then at that point you're going to get the max of now \$7,700 for somebody dying. So if it's anything less than that, then it usually goes sliding down that scale.

"The other way that it's looked at is the likelihood of that happening. So let's say it's not a serious injury, but it continues to happen where it's very likely, because you have hundreds of employees walking through the same place, then at that point yes, they will assess the additional \$7,700 because of the likelihood of that injury.

"But third, let me say that there is a safeguard mechanism and monitoring. Anybody that gets assessed a HIOSH fine has a full right to review and appeal before a Hawaii Labor Relations Board, and so at that point if a fine is deemed to be too extreme, if any sanction is deemed to be too draconian, they have the right of an appeal. The Labor Relations Board will look at it, look at the facts, and determine whether the fine should be reduced. So for those reasons, I urge my colleagues, for the safety of our workplace, to support this bill."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just wanted to adopt the words of the Majority Leader as my own. I might mention that this is the first time I've ever done that on the Floor. That was a very eloquent statement. I'd also point out that the HIOSH fines have not been raised since 1992, so the 10% increase that's proposed in this bill does not even come close to keeping up with inflation over the last 19 years.

"The other thing I would point out is that the average fine that HIOSH levies is less than \$500, which means two things. One, it means that very, very few of the really big fines are utilized because it doesn't take very many \$70,000 fines to pull the average above \$500. The other thing that it indicates is that the emphasis on safety that one of the previous speakers had mentioned is there, because most of the smaller fines are for a failure to put up safety notices and things like that.

"So I think this is a very moderate step and to call it punitive, I think is not accurate. Mahalo."

Representative Thielen rose to respond, stating:

"Thank you. I'll be very brief, Mr. Speaker. I would like to just say my objection comes because of the focus of the bill. The focus of the bill is punitive; fines and punitive. I believe that we should encourage education to prevent accidents because the prevention is much better for the

employees, and that's what should be the true focus of this measure. Mahalo."

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, can I get a ruling on a potential conflict? I represent contractors that could be impacted by this bill," and the Chair ruled, "no conflict."

Representative Har continued in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I forgot to ask for a ruling on a potential conflict. At my law firm I represent employers who often have OSHA cases. 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 S.B. No. 1040, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Fontaine, Marumoto, Pine and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1472) recommending that S.B. No. 1284, 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. 1284, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1473) recommending that S.B. No. 1485, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1485, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Morikawa rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Employees deserve fair treatment. There is a process in place to deal with personnel issue. In my opinion, some of the causes of failing schools are the lack of employee motivation, guidance and training. I know that the Superintendent of Education will do what's best for our children, and will respect the rights of our teachers and our DOE employees. Thank you."

Representative Kawakami rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, on House Standing Committee Report No. 1473, Senate Bill 1485, Senate Draft 1, House Draft 1, Relating to Reconstituting Schools, I vote aye with reservations.

"Mr. Speaker, I have serious concerns on the potential affects that Senate Bill 1485 could have on the morale of our Hawaii's public school teachers, who are already being impacted by furloughs and school closures.

"This bill could result in penalizing teachers who are not performing at an "excellent" level, through no fault of their own, but simply because the

school at which they teach is operating, overall, at a substandard level. If this happens, it will be sending our school teachers, some of our most important public servants, a negative message. It may be saying that we do not support them. And I believe that we can ill afford to send this message.

"Those who have chosen a career as a public school teacher for this State already face stress and hardship. Many of them must expend their own resources to try to provide our children with educational opportunities, despite low pay, budget cuts, increased class sizes, school closures, and furloughs.

"Mr. Speaker, this bill may result in additional, unnecessary weight upon their shoulders."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I rise in support with reservations. I just want to say my concerns are that there's a lot of issues as to why a school is in restructuring that are not solely because of the teachers that are there at the school, nor the staff. Thank you, very much."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I speak with reservations on SB 1485. It is vital for the Legislature to continue exploring how to reform our education system for the sake of the children, particularly because more reform can help us ensure our children are getting the best education possible and are prepared for their futures.

"My concern with this particular bill is related to teacher recruitment, retention and morale. Should reconstitution of schools take place, every effort should be made by the Superintendent to ensure a positive work environment for our hard working teachers who remain and optimization of those staff members who are transferred from any reconstituted schools.

"I believe that this is a needed reform and I want to make sure that the implementation of this legislation improves our educational system, encourages effective teachers to remain in the classroom, and improves the quality of education for our children."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose in support of the measure with reservations and asked that the remarks of Representative McKelvey be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Keith-Agaran rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this bill with some reservations. The purpose of this measure is to allow the Superintendent of Education to reform a public school (except for certain charter schools).

"It would also recommend changes to the charter school review panel, including the retraction of a school's charter sooner than authorized under current law.

"Reconstituting a school is an extraordinary power and can disrupt seriously the life of any school and the community it serves. Use of this power should be wielded judiciously.

"Restructuring, like other tools intended for educational improvements, needs to keep student achievement as the primary goal. Drastic changes should not be done for the sake of change alone.

"Nevertheless, when necessary, I agree that the Superintendent needs the flexibility to make changes – we shouldn't remove our kids from their neighborhood school, but we certainly can move the adults charged with their education if improvements are not shown after opportunities and resources are provided to them.

"I urge my colleagues to vote in favor of this bill."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"I am in support of this bill with reservations. I have concerns about providing the Superintendent with so much control over whether or not a school will close. Rural schools have been at a disadvantage when the DOE evaluated potential school closures in the past. In addition, I believe the DOE can save money in other ways, such as allowing schools to share staff and facilities, or simply by reducing administrative costs.

"Fortunately, this bill clearly limits the Superintendent's power to close schools only after they have been in restructuring for four or more school years and have not made significant advancements toward improving academic performance. I hope that changes to the bill can be made to ensure that the state's rural schools are not put at a disadvantage when the Superintendent makes any school closure decisions."

Representative Nakashima rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"Senate Bill 1485 would allow the Superintendent of Education to reconstitute a public school. I do support the intent of the bill which provide the Department another tool to address under-performing schools, however I am concerned that the Department has failed to demonstrate its ability to utilize conventional tools such as an effective evaluation process, in-service training, and mentoring programs as less intrusive opportunity for improving individual personnel performance and allowing for enhanced school opportunities."

Representative Ching rose in support of the measure 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 in support with reservations of SB 1485. While I support efforts to improve the education being offered to Hawaii's children, education system needs a reform. I agree that there are number of factors determining a child's success in school. The question becomes if this is the best comprehensive solution? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1485, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1475) recommending that S.B. No. 590, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 590, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like 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 S.B. No. 590, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1477) recommending that S.B. No. 779, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 779, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, can I please get a ruling on a potential conflict? At my law firm I represent owners, contractors, and design professionals. Thank you," and the Chair ruled, "no conflict."

Representative Pine rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition to this measure. Yes, what this bill does is for the first time in the history of the State of Hawaii we're going to now give a financial award to losing bidders of contracts. And I started researching this issue to see what other states are doing. One of the states that does this is Texas. It was a provision in a law that a legislature just like ours put in and the goal was to spur competition, more competition. They felt that this would be good for the people of Texas and so they implemented this law in the late 1990s.

"However, Texas right now is re-examining this law. The Chairman of the Transportation Committee, Senator Mike Fasano, was not present at the time of the law and so in his review of different types of contracts and Texas expenditures, he was very concerned that this was a current practice in Texas. He stated, 'This is one of the most ludicrous things I have ever heard of government doing.' And he said, 'We are concerned now because a lot of money is being spent dishing out this money. What concerns me is here we are having to tell education and nursing homes, Sorry we're going to have to cut you, but oh, by the way, we're going to continue to pay companies that put in bids and don't get selected.'

"And in our current fiscal situation, Mr. Speaker, I have to say what the head of Transportation in Texas said is really close to my heart because like the Majority, the Minority did put together a budget and we had to look at these very programs that possibly we know will be cut if we don't find moneys elsewhere.

"I've been concerned about this since I first heard this bill in ERB and I just find it fundamentally wrong. It goes against everything in terms of what business is all about. Business is about risk. Business is about a desire for success and knowing that there's a chance that there's failure. And so in these economic times I feel that we should not be giving out money to losing bidders.

"Another state who has implemented this type of pay structure, what they asked was, did it encourage competition? Well what they did is they went back to the time before the law and they found out that there was no increase in the amount of bidders. In fact what they did find was an increase in the amount of larger companies that had broken up into smaller companies and they in exchange, gave different bids as different

companies, but they were still part of the same larger company. And there's nothing in this bill that will prevent that type of thing from happening, Mr. Speaker.

"And I think what's concerning is the amendments that were made to this bill is that it allows the Director of Transportation to make the final say. I think as a Legislature we should not give up any more of the 'purse strings' because it's going to take some time to get out of the economic straits that we're in now. We need to be wiser. If we want to help education, and we want to help human services, and we want to help the homeless, and other areas that are so key to what government is for, we should ensure that we approve these types of bids if this is the type of bill that this Legislature wants to go forward with."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in support. Mr. Speaker, this bill is giving a tool to State government to hopefully come up with some really good construction projects. It's not a 'shall,' it's a 'may.' Also it has a lot of conditions on it. It would allow for a Request for Proposal to be selected from the short list, and the request shall include design requirements, solicit proposal development documents, and state proposal evaluation criteria. The Procurement Officer may pay a conceptual design fee to non-selected authors that submit a technically responsible proposal to the Request for Proposals in this, provided that the terms of payment of the conceptual design fee shall be stated in the Request for Qualifications, and the Request for Proposals.

"Now coming from a state that used design-build, and this was Washington State, it was a critical point in time where they were going to put the Department of Natural Resources building, a brand new building, on the State campus. Design-build was a critical element to coming up with the design that was very acceptable to the community, to government leaders, and that really fit well with the whole State campus. If it had not been design-build where they had people come up with conceptual designs and put it out to everybody to look at, if it had just been low bidder, who knows what we would have ended up with.

And so I think sometimes you have to give tools and flexibility to come up with some great conceptual designs that are not only visual, but functional so that people believe that this is really what we want. I think the focus should always be on whoever is putting together the specifications and putting the proposal together before they put it out to bid and allow the community to come in on the decision. But I love this tool. I think it's long overdue and I hope everybody supports it. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Actually I voted for this before I voted against it, and let me tell you why. Because the bill in the Committee Report contradicts and goes against what it is saying in the bill. The Committee Report says the purpose of this bill is to preserve creativity. Mr. Speaker, I was looking for that word because I think in a previous iteration of this there was creativity or value added, that when you do reward somebody for a technical proposal it's because a good idea can be adopted and a better mouse trap can be made. But this says simply, 'Hey if you put a technically responsible proposal, you get paid for it.' Or may get paid for it, which is a second problem.

"These kinds of things should not be at the discretion of one person. It's the Procurement Officer, and if there's anything that corrupts people it's when the bidding process and the relationship between the bidder and the biddee and all those things.

"So, Mr. Speaker, it's a great idea, I agree with the previous speaker. A good idea, but the way it's codified is incorrect, imprecise. If it doesn't mention, there's got to be some value added, some creative that we're paying for. Otherwise as my colleague has mentioned why are we giving corporate welfare for the sake of people going through what they should otherwise do, if they want to win a State contract. Thank you, Mr. Speaker."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict, Mr. Speaker? At my law firm, I do procurement law," and the Chair ruled, "no conflict."

Representative B. Oshiro continued to speak in support of the measure, stating:

"Thank you. Very briefly I'd like to make a few comments in support. The surprise to me is that there is any objection about the potential for a public-private partnership, and that's really what procurement is about especially when it comes to the idea of design-build.

"Design-build is the most flexible type of procurement that is out there because what you're doing is putting out what your need is, and then you're asking the private sector to come up with innovative approaches through design, as well as build, and to find a cost effective manner to address that need.

"And so that to me is extremely surprising because all you do as a government agency is identify the need. You don't necessarily say what you want. You just say, here is the service or the material or the good that I am seeking and how are you going to creatively put that in a proposal so we can consider that. And this is actually a standard way of procurement that's done under the federal acquisition regulations, and this is the basis by which the feds actually enhance creativity and innovation.

"Because under design-build what happens is when you get a good idea, even if that person may be too expensive, you can use that idea, select the other person, and you pay that person for their idea through reimbursement of their proposal cost. Therefore you don't have to worry about them coming after you for taking a license, or taking their creativity. You pay them for their idea and then the State gets to use it. And so for that reason I find this a very creative approach, and think it's something we should support as we continue to want to enhance public-private partnerships. Thank you."

Representative Pine rose to respond, stating:

"In rebuttal. I actually agree with the previous speaker in a lot of the things that he said. We're definitely for private-public partnerships. We really believe that is certainly the way to go if you want to save taxpayer dollars.

"However, I guess I have a better way to implement that better idea. Why don't we, instead of automatically saying that we're going to give the Director of Transportation the authority and the power to give money away, instead say in this bill that if we want to use your idea, that we will pay for it. But we're not going to automatically give winning bidders. That's what this bill is saying. It's that we want to go ahead and put in statute, just as what they did in Texas that gives the authority to the head of transportation. What was happening in Texas is they were giving away money, and what they were doing is they'll give away like \$500,000 for one or two sentences used in a contract.

"Certainly we can say of course, that such an intent is not in this bill, Mr. Speaker. However, there's nothing in this bill that guards against that type of fraud. We could have a renegade Governor one day who solely gets all of their donations from bills like this. And because of the way that the bill is written, as this bill is very similar to Texas's law, it gives the Director of Transportation that discretion.

"And so all I'm saying, Mr. Speaker, is we need to be wiser and be very concerned about the way that this is drafted. So in Conference Committee I hope that we do put in those safeguards."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a very brief footnote of concurrence with the Majority Leader. It was so well spoken. I just want to reinforce if could codify what he said, hands down, the bill is perfect. But the bill doesn't say what he said, and that's the problem. If it's a good idea, it should say something

about value added. It should say something about creativity. It should say something utilization. The bill is silent about that. So as we read things in. For the gentleman who always says, 'Read the bill,' I would say, 'Please read the bill.' What you said is not in there, but I hope it would be codified through Conference Committee. 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. 779, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Fontaine, Pine, Riviere and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1478) recommending that S.B. No. 1107, SD 1, 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. 1107, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Third Reading by a vote of 51 ayes.

At 10:23 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1025, SD 1, HD 1
S.B. No. 1040, SD 1, HD 2
S.B. No. 1284, SD 2, HD 1
S.B. No. 1485, SD 1, HD 1
S.B. No. 590, SD 1, HD 2
S.B. No. 779, SD 2, HD 2
S.B. No. 1107, SD 1, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1480) recommending that S.B. No. 1241, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1241, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. I completely understand the context in which this bill was crafted, and I'm aware of the budgetary constraints that we're under. The one reason that I have reservations about this particular bill is that in the broader context of our affordable housing discussions, it's not the most lucrative prospect to be building affordable housing and low-income housing in the State. And I worry that by removing the Conveyance Tax exemption, we're increasing the costs of building affordable housing and low-income housing, thus reducing the catalyst for building more stock. That may not necessarily happen, but that is a concern to me which is why I have those reservations on this bill. Thank you."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Johanson be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I wish to speak with reservations on this measure, Senate Bill No. 1241. I believe we don't have enough low-income housing, and to take away the exemption, I believe, doesn't help the situation. I would hope that the Conferees can possibly make some adjustments to this particular measure. My understanding is that they have not been very successful enticing business people to come in and provide low-income housing, but I believe that possibly we need to put more effort into that measure because we do have a tremendous problem out in the community. Thank you."

Representative Fontaine rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. And just a couple of points. According to the Department of Taxation, the revenue impact of this measure is of minimal revenue consequence. But more important, Mr. Speaker, according to the Hawaii Housing Finance and Development Corporation in their testimony presented to the House Finance Committee, they informed us that the Conveyance Tax is actually paid by the property seller, and not the purchaser. And that the entity that will actually be developing the low-income housing project is the purchaser, usually a nonprofit housing developer.

"But more importantly, Mr. Speaker, there is no requirement for the seller to pass on any of the savings realized from the exemption to the low-income housing project being developed, or are reserved. I thought we should understand that, Mr. Speaker."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm not that familiar with the bill, but I'm taken by the words of the speakers from Moanalua and Wailuku so I vote with reservations, and would like their words incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I want to adopt the words of the Finance Chair, as far as the testimony of the Hawaii Finance Development Corporation that no one has used that ever since it was in the books. I also want to comment that since there is a budget shortfall, the Conveyance Tax is an entity of the State. It goes into the State coffers. So this bill is something that we should support. We should all vote for because we are short with funds. This is a good way to balance the budget, Mr. Speaker. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1241, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1486) recommending that S.B. No. 809, SD 1, 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. 809, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1488) recommending that S.B. No. 1332, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1332, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on another potential conflict? My law firm is involved in litigation against the UH with its procurement practices, but I'm not working on those cases. Thank you," and the Chair ruled, "no conflict."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you, Mr. Speaker. You know, over the years I've supported the University of Hawaii and its procurement exemptions, but most recently I've become very critical of what the University has done. In fact, we can take a look at two recent examples. One, being the process at UH West Oahu and the selection of the developer, and most recently, the process of selecting the developer for the UH Cancer Research Center.

"Now at best, I believe that the process for both were inadequate. At worst, as alleged by a few people that made bids for those two particular projects, at worst UH wasn't playing fair. UH should not be seeking preferential treatment as they are a State public university funded by taxpayer dollars. The same goes for the Judiciary, DOE, Executive agencies, counties, etc. who are all subject to the requirements of the Code. Our public university should be an example of fostering equality, fairness, transparency, and openness in government contracting and the procurement process.

"Passage of this bill provides special treatment for UH, instead of the University being a leader in championing a level playing field for all. Public procurement's primary objective is to give everyone equal opportunity to compete for government contracts to prevent favoritism, collusion, or fraud in awarding contracts. Meeting this objective requires a single set of statutes and rules that define and mandates the use of selection processes that are competitive, efficient, fair, transparent, open and impartial. The Code should not be viewed as an obstacle to a purchasing agency's mission, but rather as a single source or public procurement policy to be applied equally and uniformly.

"And if we intend to continue this exemption, the exemption should include assurances that the University of Hawaii's exempt process includes fair and open competition, disclosure, transparency, due process for aggrieved parties, and defined selection and awards process in the various elements contained in the Code to ensure public confidence that this exempt procurement process is fair.

"I want to also add, Mr. Speaker, the Cancer Research Center, the most recent project worked on by the University, despite the fact that the University of Hawaii has a procurement exemption, they chose to route that project to the Resource Corporation University of Hawaii, otherwise known as RCUH. I still don't understand why because they currently have the procurement process exempt from the State procurement process. But they chose to go to another distant organization to run that particular project through, and there are tremendous concerns regarding that. I just raise this today and I hope people take a look at this. Ask questions about what has happened recently, and just kind of look at it from the perspective of being taxpayer dollars going out, and from our perspective, in a fair and equitable way. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I stand in support, but with serious reservations. And I would just like the words of the previous speaker adopted as if they were my own. I just find it ironic that a university that has an institute dedicated to procurement would want to exempt themselves from the Code. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose in support of the measure with reservations 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 Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of the alma mater of 60% or 70% of us on this Floor. For the sake of the University, Mr. Speaker, we the Body, the House, the Senate, the Legislature gave them autonomy. In fact, we haven't given them all autonomy. One of the autonomy is this procurement, or it falls under the umbrella of autonomy.

"We either give them autonomy or we don't, and this is part of it. We trust those who generally with the education perform with what is expected of them. If there's a little bump in the road, it doesn't mean to take it back. It means to get along with it and do it better the next time. Obviously the University can do better. We can do better. But if we've given them autonomy, it's a dream that they have not yet realized and we have not yet given them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1332, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Belatti, C. Lee, Luke, Rhoads and Takai voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1489) recommending that S.B. No. 112, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 112, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. Thank you for the reminder. The University sidetracked me. I'll be very brief, Mr. Speaker.

"This bill is a bright light in the future of our economy, our economic diversification. In fact, if we look at what's on the Floor today with tax increases, with things that are bad news for the economy, bad news for our families, bad news for jobs, this one is a bright light. It allows for diversification. In fact, if we look at the whole of what's on the Floor today there are two bright growth nodes for our economy. One is the movie industry with the tax credits. The second one is the diversification of space tourism, along with the space lunar park that will be discussed later. Or was it on the Consent Calendar? I forget.

"The point being, those are high-paying jobs. It gives us a future. It gives us a hope. And Mr. Speaker, I stand in strong support. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support, and much as it chagrins me, I would love to have the words of the previous speaker adopted in the record as if they were my 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. 112, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1491) recommending that S.B. No. 1522, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1522, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support of outlawing 'puppy mills,' but I wanted to just point out some unforeseen problems with this bill. I believe that we will have time to fix those because I believe that it requires a sunrise review, and there is a measure moving to have that happen.

"I totally applauded the shutdown of the 'puppy mill' in Waimanalo. That was just an inhumane situation and it was very fortunate that the Humane Society was able to take over 200 dogs and puppies to the Humane Society. A number of us participated in getting the Humane Society the different things that they needed. We took a couple of trips up

there with some of the newspapers for the bottoms of the cages, and we took some cages up and other things. I wanted to thank the Members that participated in that drive.

"But the problem, well first of all there is a Senate Concurrent Resolution 111, and it's being moved through. The Auditor would examine how to regulate 'puppy mills' or how to regulate dog breeders and propose effective legislation for us next year. This bill, which maybe should just sit and wait, could have the unfortunate side effect of putting out of business your legitimate hobbyist from continuing their breeding programs.

"And these legitimate dog breeders, they provide service, search, rescue, therapy, competition, and performance puppies, as well as family pets. Were they to be shut down inadvertently by this legislation, those animals would have to be purchased through retail outlets which might come from an illegal 'puppy mill' that's still operating, or from imported countries without rabies restrictions such as New Zealand or Australia.

"The issue is, Mr. Speaker, you can't have more than 25 puppies per year. We had a golden retriever when our children were growing up and she gave birth to 14 puppies humanely, and everything was fine. But the point of that is if you have a large breed dog, that dog could very likely have two litters a year, not be a 'puppy mill' but would exceed the limit of 25.

"So whatever we do, we don't want to cause any problems for our legitimate breeders. I would think that the Senate Concurrent Resolution gives us a very good reason to hold off on actually passing this bill and just waiting. Leave it in Conference Committee so it's ready to go once we get the Auditor's report. But let's be very careful that we don't harm the legitimate breeders in our community. I imagine a lot of us here in this building have, or have friends, or ourselves have obtained dogs from legitimate breeders. Certainly not from 'puppy mills' one would hope. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support, and I ask that the words of the Representative from Kailua be entered as my own. Thank you. I did just want to thank this Body, and the Chairs and Vice Chairs for their support of dogs, and lifting us from the notorious position of one of being rated very low in terms of protecting our animals. Ironically, in the Aloha State.

"I did want to just say that it's fitting that this particular animal be supported in the House because it's important to support those who protect us. I wanted to call attention to a full-page newspaper article that was in the March 15 *Star-Advertiser* reprinted from the *New York Times* that talks about how good dogs are for the health. So for those who protect us, whether it be at the airport for terrorism, for ag, for everything, it's important that we remember that they are man's best friend."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1522, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOGS," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1493) recommending that S.B. No. 41, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 41, SD 1, 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 strong reservations. Mr. Speaker, this bill is potentially dangerous in that it is working with the Prepaid Health Plan of Hawaii of which we're not sure what the outcome, and what's it going to be. I think if we rely upon what we have been told, that we are going to be exempted from the National Health Insurance that's about to hit, we can

rest. But I think we should do our homework before rushing into this, and the price of being wrong is simply too high.

"Remember that we've constantly assured the people of Hawaii that there will be no change in their health measures, health premiums, health carriers. We seem to be rushing into something that is unknown. But like builders and carpenters always say, when in doubt, 'measure twice, cut once.' And I think we have to get back and do some homework. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. In opposition. I'm looking at the Attorney General's testimony on this bill, Mr. Speaker. And the Attorney General states that he understands the intent of the bill, but has very serious legal concerns that the proposed repeal would likely be preempted by the Employer Retirement Income and Security Act. However, since there is no case on point, should the repeal be challenged on preemption grounds, the outcome just cannot be predicted with certainty.

"So even our own Attorney General is saying, 'Hey, while we're trying to exempt us from certain provisions of President's Obama healthcare program, we could be putting at risk our own healthcare program.' The bill he cites will also repeal Act 99 passed by the Legislature in 1994 which repeals Part 5 of Chapter 393 HRS, but only becomes effective upon the effective date of any federal Act permitting.

"So, Mr. Speaker, I'm really concerned. When the federal government was debating President Obama's healthcare bill, our Congressional delegation all individually said, 'Hawaii, you don't have to worry, because we have made sure that we are exempted from this federal legislation.' And so as a constituent, I was telling my constituents repeating what our Congressional delegation said. So did they not tell us the whole truth? Was there a deal saying, okay you have to pass all these bills for us to really be exempted? So as I see more of these bills going through the Legislature, I'm very concerned that we weren't given all the information."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. Thank you. I do share the concerns of the Minority. In fact, I appreciate their concerns and I'm assuming that we all support the continuation of the Prepaid Health Care Act in Hawaii, and that is good news for all of us because we can't afford to lose it. I do note as well, the concerns made by the Attorney General. So as we move forward on this, we need to be extremely sure that we don't lose Prepaid Health Care in Hawaii.

"I note also that the federal law doesn't come into effect until January 1st, 2014 so we do have some time. I urge the Managers of this bill as it goes to Conference, and I know it's a clean bill right now, but I'm hoping that we hold off or the Senate holds off on Final approval until we get clarification. But I urge the Managers of this bill to ensure that we don't lose Prepaid Health Care. Thank you."

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Ward be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere 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 S.B. No. 41, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PREPAID HEALTH CARE ACT," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1494) recommending that S.B. No. 1086, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1086, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. In opposition."

The Chair addressed Representative Pine, stating:

"Would you like to reference your statements on Second Reading to be incorporated in the Journal?"

Representative Pine responded, stating:

"Well it didn't really work to convince anybody so I think I have to say it again. Last chance, okay? In opposition, Mr. Speaker.

"You know what's so great about our country? When my grandpa came here on a boat many, many years ago from the Philippines, he came here with just a scraggly pair of shoes, a few different pairs of clothing and just enough food to eat for a week. But he had this incredible dream that he could make something out of himself and change the poverty that he lived through in the Philippines. And since then he has motivated our family to rise up and to change our history, and we have many business owners in our family.

"We don't sell bread, but it's given me a lot of affinity to the many business people and to the local people and the workers that came in opposition to this bill.

"This bill is still about putting a sign at a store claiming whether a piece of bread has been frozen or not. We're misusing, in my opinion, Mr. Speaker, we are misusing our positions of power to start a marketing campaign for another company. And that's not the kind of dreams that my grandpa had for America. He believed that government was supposed to help people. We're supposed to help the poor. We're supposed to help you have education. But we're not to help one corporation that's already a multimillion-dollar corporation to destroy the little guys.

"Who are the little guys? Lava Rock Café from Volcano Hawaii says, 'I see no reason whatsoever to legislate anything regarding previously frozen products unless your goal is to raise the prices for Hawaii consumers and help the State be monopolized by one bakery.'

"The Waianae Store owner said, 'Waianae Store is a family business that has served the community in Waianae for many years. These products we provide are serviced by local companies with local employees. Signage or labeling would only confuse our customers and mislead them into thinking something is wrong with our products.'

"Freezing bread, baked goods, is an industry standard to maintain freshness yet we're saying in our bill as it's amended, we can't call something fresh anymore. But these bakers are saying that's the way you keep freshness.

"Kahului Trucking and Storage, their biggest clients are those people that sell bread and he also agrees that this is going to confuse their products, hurt their business.

"Island Catering of Maui said, 'This is going to hurt us.' Hawaiian Isles Distributors are saying, 'You're hurting local people.' Pukulani Superette from Pukulani said, 'Please don't do this.'

"Punaluu Bake Shop in Naalehu states, 'Over the past several years, Punaluu Bake Shop has expanded our sales of our bread products to the Neighbor Islands of Maui, Kauai, and Oahu.' This is a local business that started from nothing, Mr. Speaker. 'We have done so through this new frozen and thaw program. The frozen and thaw program has enabled us to increase production and sales for our company and staff here while making customers happy throughout the State with our delicious product from the Big Island. Like any baked product in our distribution system, our products come with a full money back guarantee. Labeling things misleads people into saying that what we're now doing and hiring more people because we have increased business is wrong.'

"And Ani's Bake Shop in Aiea states, 'This bill will cause us to lose business and have to lay off staff as we cut back our local operations.' Watanabe Bake Shop finally, Mr. Speaker, says, 'This bill will punish us and make our customers think that there's something wrong with our product.'

"So finally, Mr. Speaker, I plead with the Members again. This economy is not doing very well right now and we must do everything that we can to use government wisely."

Representative Brower rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, the bananas our grandfathers picked are now labeled non-GMO, and GMO is an industry standard. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. And you know, I really love Love's Bakery. I do. And actually I wanted to mention that once again, like I did on past readings, that they actually have some ties to my district and I'm proud of that. And I point it out every single time, I say, 'You see that house? That's a Love's Bakery family house.' And I would love to see them promoted as one of the oldest bakeries. It's a wonderful thing. It's an impressive thing to last this long.

"But this piece of legislation, why it concerns me is once again, I always feel that we have to be able to stand for what we vote on in this House because we are the leaders. We're the leaders and what we say is a message to the people. And the concern I have for this bill is that it tells the people that, maybe it's an anti-business thing, that maybe if you're the favorite son or something, you're okay. You can have some of this special labeling because if it was a health related situation, I'm all for things like a Surgeon General's warning.

"If it was health related to protect our people we must. But if it's under this kind of this transparency, at what point do you take that logical argument? You take that argument to what you're going to now say what second and what minute it was delivered in the store. It's not health related so it doesn't have that pragmatism.

"And what it does is, to me, it sends a message that we don't have a level playing field. And then it doesn't attract people for business and then they think, 'Gee you know, is Hawaii a good place to do business?' And we want that reputation, especially before APEC.

"So I wanted to incorporate the words I did have in the last reading. Thank you, Mr. Speaker, and reiterate that we must remember the messages we send. Thank you."

Representative Kawakami 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 of interest. My family owns and operates a chain of grocery stores on Kauai," and the Chair ruled, "no conflict."

Representative Kawakami continued to speak in support of the measure, stating:

"I stand in support of this measure. Thank you, Mr. Speaker."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to the measure. Mr. Speaker, there's another player on the field. Stop the game. In football, where I used to be the quarterback, you can't have an extra person on the field, and in this case, in the marketplace, the government is supposed to be the referee. He's not supposed to get down on the field and play. This is where the referee is getting down and playing on one side for one special interest. Mr. Speaker, it's not fair.

"The problem is the Hippocratic Oath says: Do no harm to our families. Do no harm to our jobs. Do no harm to our economy. This really hurts the jobs, particularly the small guys. Particularly the Neighbor Islands. And Mr. Speaker, quite frankly, my wife cooks the best curry west of the Mississippi, but she also cooks the best bread. She said, what are you guys doing? I always freeze my bread to keep it fresh. There's no health reason whatsoever for what we're doing. So if it's not for health reasons, but it's to tilt the playing field, Mr. Speaker, we've got an illegal man on the field.

"The spirit behind this bill, Mr. Speaker, is the same protectionism that the government, when it took over or took favorite industries that we argued a few days ago on the Floor that lead to wars, trade wars, and then world wars. Mr. Speaker, this is not good policy. We can do better. We're Hawaii. We should seek excellence and not these petty 'bread wars' that we're going to start here. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. This is a 'truth in labeling' bill. That's all it is. And it's a dispute between the people that work at Love's and the Hawaii Food Industry. They're the ones who bring in all the frozen bread. They don't want anybody to know that their bread has been frozen. They sell it cheaper than Love's. That's fine. That ought to be the incentive. And so at the hearing, that's what we heard. We heard employees from HFA, many of whom quite frankly, supported the bill. We heard from the employees at Love's.

"Now I find it interesting that they keep throwing the Punaluu Bakery in my district in my face. Punaluu Bakery happens to be an ILWU house, and the employees support the bill. Thank you."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I am in opposition to SB 1086. There was a large volume of testimony supporting and opposing this bill. I believe the most compelling piece of testimony was that of local bakeries and their employees, who will be significantly and negatively impacted by this measure. While I do understand and support the labeling of certain food products for health reasons, this measure is not a health-related change to the product packaging. Thus, I do not think it is worth potentially jeopardizing our local bakeries and their survival by advancing this measure."

Representative Pine rose, stating:

"Sorry. Just a point of clarification. This testimony from Punaluu Bake Shop is from the managing partner, Annie Kosa."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1086, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no.

At 10:57 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1241, SD 1, HD 1
 S.B. No. 809, SD 1, HD 1
 S.B. No. 1332, SD 2, HD 2
 S.B. No. 112, SD 1, HD 1
 S.B. No. 1522, SD 2, HD 1
 S.B. No. 41, SD 1, HD 1
 S.B. No. 1086, SD 1, HD 2

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1495) recommending that S.B. No. 975, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 975, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, 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 Committees was adopted and S.B. No. 975, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Belatti, Fontaine, Luke and Saiki voting no, and with Representatives Har and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1496) recommending that S.B. No. 229, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 229, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative M. Lee rose 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 strong support of this measure. Domestic abuse victims can face loss of their jobs at a time when employment and financial independence is critical. They are vulnerable and the consequences of physical and emotional pain are detrimental to their health and financial stability.

"The act of firing (or not even hiring) prohibits the victim from earning a living wage with which to support her children, lowers her confidence and inhibits her ability to further pursue employment, causes other potential employers to see her in a less positive light, jeopardizes the ability to maintain a place to live, increases the risk of depression and increases the likelihood of having to go on public assistance. Women retreat back to their abuser because they do not have the finances to leave. All of these negative effects only serve to re-victimize the victim.

"We are hopeful Hawaii can follow the footsteps of Illinois, New York City, Connecticut, Rhode Island and Westchester County in New York State who have enacted legislation to ban discrimination against a victim of domestic violence, sexual assault, or stalking. Other states have safety accommodations such as screening phone calls, allowing the employee to work in the back of the office with a lock on the door, etc. As of now, the time frame allowed to the victim is case by case.

"Leaving things the way they are is not an option. How many more cases do we need to review in order make changes? This bill offers protection and reassurance that the victim will have stable employment through tumultuous times. State legislation that models the previously introduced federal SAFE Act would enable battered women to seek safety while working towards financial independence."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 229, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Har and Tokioka being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1497) recommending that S.B. No. 892, 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. 892, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS," passed Third Reading by a vote of 49 ayes, with Representatives Har and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1503) recommending that S.B. No. 48, SD 1, 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. 48, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Har and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1505) recommending that S.B. No. 1233, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1233, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Aquino rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict. I work for a nonprofit that solicits funds from the public. Thank you, very much," 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. 1233, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," passed Third Reading by a vote of 49 ayes, with Representatives Har and Tokioka being excused.

At 11:00 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 975, SD 1, HD 2
 S.B. No. 229, SD 1, HD 2
 S.B. No. 892, SD 2, HD 2
 S.B. No. 48, SD 1, HD 2
 S.B. No. 1233, SD 2, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1508) recommending that S.B. No. 99, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 99, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and just a few remarks. This bill represents an increase of the number of Commissioners on the Public Utilities Commission. In this time of austerity, I don't think that this is a good example of growing government. If this is something that we should take a look at closely, I think what the Public Utilities Commission really needs is more staffing versus more executive level members at the commissioner level. Thank you, Mr. Speaker."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward 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 S.B. No. 99, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Belatti, Luke and Takai voting no, and with Representative Kawakami being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1509) recommending that S.B. No. 583, SD 1, 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. 583, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Third Reading by a vote of 50 ayes, with Representative Kawakami being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1510) recommending that S.B. No. 651, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 651, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak in support of this measure which repeals the old non-judicial foreclosure. Mr. Speaker, a number of years ago I said to this Body that the non-judicial foreclosure bill was going to affect primarily the elderly who had worked their whole lives to be able to purchase their home. It set up a process where the court is not involved, which means that a lender could foreclose upon a home without the court ever being involved in that process, and the court being able to provide a fair forum for the homeowner. The rush to foreclosure measure puts convenience above fairness and equity in foreclosure proceedings.

"Mr. Speaker, I had those concerns a number of years ago when we were addressing that non-judicial foreclosure bill. I had made it clear I wasn't talking about lenders like Bank of Hawaii or First Hawaiian Bank. I was talking about the others on the mainland. Those concerns unfortunately turned true. We have the out-of-state lenders who have set up a foreclosure system that has resulted in chaos and a lot of harm to our local people. And I had concluded in this, I think when we pass this non-judicial foreclosure bill, we're going to set in process a motion that will prevent Hawaiian families and other families from being able to retain their homes.

"Mr. Speaker, the reason I am bringing up the past history today is that we are now undoing something that we never should have done. I'd also like to just say, Mr. Speaker, sometimes the Minority Members can call something the way it is and forecast what may be the result if we pass a bill. This is one of those examples and I would like to encourage the Majority Members to pay a little bit of attention to what we say from time to time because it really could carry a great deal of weight and become true.

"So today we are undoing something we never should have passed, and I would like to reference my comments in the Journal those years ago when we did first pass the non-judicial foreclosure, where I said that was the wrong thing to do and we shouldn't do it. And today that has become true. Thank you."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you very much, Mr. Speaker. May I have a ruling on a potential conflict? On both Stand. Com. Rep. Nos. 1510 and 1511, my family's currently undergoing a remodification with a lender. Thank you very much," and the Chair ruled, "no conflict."

Representative McKelvey continued to speak in support of the measure, stating:

"In strong support of Stand. Com. Rep. No. 1510. I would like the words of the previous speaker, except for the Minority part of it, entered into the record as if they were my own. Hey guys, I'm a D. And also just a few comments.

"Mr. Speaker, what we're trying to undo is a travesty of history which has occurred where we're the only state to adopt two separate non-judicial foreclosure tracks which puts the power solely in the hands of the lender to choose, and all the protections of which lay in Part II to which the homeowner has to sign off on the final non-judicial.

"Not to mention 667-34 and 35, and I bring this up again for the Members' edification as we go in to Conference because the rumblings of the other Chamber disturb me in wanting to preserve this two-track system. If these two are allowed to stand, Mr. Speaker, basically what it is, says in a nutshell is, if you don't object within 30 days to a non-judicial foreclosure auction, many of you won't even know about it considering it'll be in a newspaper nobody subscribes to, then that non-judicial foreclosure will have been deemed to being done completely above board in good faith without fraud or any type of illegal activity. That is the biggest 'get out of jail free card' I have ever seen in my life, Mr. Speaker.

"This cuts very deep, Mr. Speaker, because as you know, we're talking about the economic integrity of the State of Hawaii. As the good *kanaka maoli* have often said, the life of the land is preserved in righteousness. And if we don't have land, if our homeowners, those who are working hard with two and three jobs, can't just get a fair shake, can't get a lender to

come with one voice to them and deal in good faith, then we're looking at the entire unraveling, Mr. Speaker, of our way of life and indeed the integrity of the State of Hawaii.

"So, Members, I appreciate your support on moving this forward and stay strong in Conference because what we're doing today is to rectify the wrongs that have been visited upon us by entities that aren't even within a thousand miles of this good State. Thank you, very much."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a possible conflict on both Stand. Com. Rep. Nos. 1510 and 1511. The practice of my law firm includes foreclosures. Thank you," and the Chair ruled, "no conflict."

Representative Carroll rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"I would like to express my support to SB 651 SD2 HD2, which would establish a temporary mortgage foreclosure dispute resolution program, as well as implement recommendations of the mortgage foreclosure task force relating to conversion from non-judicial to judicial foreclosure. SB 651 SD2 HD2 would also strengthen the laws regarding mortgage servicers, as well as repeal the old non-judicial foreclosure process, as well as strengthen and clarify the new non-judicial foreclosure process.

"The issue of foreclosure has plagued our islands since the beginning of the economic crises of our nation. In 2010, Hawaii's properties affected by foreclosures have jumped 38% from 2009 resulting in over 12,400 properties. I have received numerous phone calls from constituents desperately seeking assistance regarding foreclosures, many of which have already faced eviction.

"I believe that SB 651 SD2 HD2 will create additional measures necessary to protect individuals from further vulnerability through its dispute resolutions program. This dispute resolution program will require mortgagees to offer dispute resolution to owner-occupants before conducting a public sale on a property, notify mortgagors that dispute resolution is available, and notify mortgagors that the mortgagee is required to participate in dispute resolution if an owner-occupant so chooses.

"It is up to us to help promote legislation that helps support our constituents from the predatory lending practices of financial institutions that have led to this foreclosure disaster. It is for the above mentioned reasons that I support SB 651 SD2 HD2."

Representative Riviere rose to speak in support of the measure with reservations, stating:

"Support with one reservation I'd like to identify. Thank you. This bill has come a long way. It's getting quite a bit better and there's a lot of good work that needs to happen in this in the next bill.

"The concern I have for this specific bill is the mediation. It has a potential to become an endless mediation, and that will not ultimately serve anybody. So in Conference I hope that we can tighten that up and have a mediation process that does have some finality to it. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. A couple of notes. This bill does not, does not, get rid of the non-judicial foreclosure law. It severely amends it. This reform is designed to allow mortgagees to use a fast track, non-judicial foreclosure process if, and only if they can demonstrate up front that they have the legal authority to do so. They must also proceed with due notice on the borrower and participate in good faith negotiations to modify the loan and to reach some other settlement.

"In this bill the judicial foreclosure process remains in large part, not affected. As far as the Alternative Dispute Resolution we continue to work with both the Chief Justice and Judiciary and the DCCA. They came in to us quite late with a whole new process for Alternative Dispute Resolution to get the mortgagee and mortgagor together with hopes of some settlement. And quite frankly, if there is no reason for the choice of the mortgagee, the mortgagor has no ability to service a loan at any case and they ought to proceed with the foreclosure.

"So this bill is very complex, as you know it's like 74-pages long. We are still working on parts of it. One of the problems that I think we will have in Conference is that, my understanding is the Senate does not want to modify the non-judicial parts of the law, which we think is necessary. Thank you, Mr. Speaker."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict. My law firm does some foreclosure actions, but I don't do any of that type of work. Thank you," and the Chair ruled, "no conflict."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I rise in support with some small reservations, and I wanted to incorporate the words of the speakers from Kailua and the North Shore as my 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. 651, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 50 ayes, with Representative Kawakami being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1511) recommending that S.B. No. 652, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 652, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you, very much. Mr. Speaker, may I have a ruling on a potential conflict? On both Stand. Com. Rep. Nos. 1510 and 1511 my family's currently undergoing a remodification with a lender. Thank you very much," and the Chair ruled, "no conflict."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a possible conflict on both SCR 1510, 1511. The practice of my law firm includes foreclosure. 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 S.B. No. 652, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 50 ayes, with Representative Kawakami being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1513) recommending that S.B. No. 150, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 150, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson 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 S.B. No. 150, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 50 ayes, with Representative Kawakami being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1514) recommending that S.B. No. 240, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 240, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you. A potential conflict ruling, please. My grandson is at the Medical School. Thank you," and the Chair ruled, "no conflict."

Representative Ching rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a possible conflict. My husband is a physician," 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. 240, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," passed Third Reading by a vote of 50 ayes, with Representative Kawakami being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1517) recommending that S.B. No. 1300, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1300, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure, stating:

"Thank you. In support, Mr. Speaker. I'll just be brief. I think this is a good bill and it moves us in the right direction. But I also think it begs the broader question for this Body of structural and financial reform that needs to be happening at the Hawaii Health Systems Corporation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1300, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 50 ayes, with Representative Kawakami being excused.

At 11:12 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 99, SD 2, HD 1
S.B. No. 583, SD 1, HD 2

S.B. No. 651, SD 2, HD 2
S.B. No. 652, SD 2, HD 1
S.B. No. 150, SD 2, HD 2
S.B. No. 240, SD 2, HD 2
S.B. No. 1300, SD 2, HD 2

At 11:12 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:17 o'clock a.m. with Vice Speaker Manahan presiding.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1518) recommending that S.B. No. 1458, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1458, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"As my Caucus is about to debate each other on this bill and they're not here, I will stall for them. Mr. Speaker, I just want to stand in opposition."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in opposition to Senate Bill 1458, Senate Draft 2, House Draft 3. Mr. Speaker, I rise in opposition to this bill which creates a pilot program for medical marijuana.

"First of all, I believe that passing this bill is unwarranted, it's premature, and the fact is that the federal law has not changed, and the selling and use of marijuana is still illegal. The Department of Public Safety testified that a white paper written about the subject stated clearly that policies and procedures are being developed to address the issues of access, distribution, and security with regard to the medical use of marijuana. However, these policies and procedures appear to be at a very early stage of development and do not as yet provide an established model with a proven ability to successfully address these issues. Seeing how they develop, how they approach the obstacles they are likely to encounter, what methods are successful versus what methods prove problematic, will no doubt prove informative and valuable in determining how Hawaii chooses to address the issues of access, distribution and security with regards to its own medical marijuana program. Mr. Speaker, this tells me that this is premature.

"In addition to this, the Department of Public Safety noted that storefront marijuana businesses are prey for criminals and create easily identifiable victims. The people growing marijuana are employing illegal means to protect their valuable cash crop and others distributing marijuana to the businesses are perfect targets for thieves and robbers. They are being assaulted, robbed and murdered. Those buying and using medical marijuana are also being victimized.

"Public Safety also asked, why are we doing this? Is it for compassion? If it is, then why such a high fee? If it is to raise revenue for the State of Hawaii, then it should be noted that the additional revenue would not even come close to offsetting the additional cost associated with increased use.

"The two legal substances which are already highly taxed prove this point. Taxes on alcohol account for \$14.5 billion in revenue, but alcohol abuse costs us \$185 billion. In the case of tobacco, taxes account for \$25 billion, but the cost to society is \$200 billion.

"In sum, Mr. Speaker, Hawaii is a beautiful and healthy place to live. So why do we want to jeopardize that reputation, that branding in tourism, by becoming known as a drug capital. Hawaii is already ranked fifth in the nation for meth use and that is the sad reality. Mr. Speaker, 30% of our high school seniors have admitted to trying marijuana. These compassion centers will make it even easier to get. And in the Public Safety's

testimony they noted that a white paper by California Police Chiefs Association said that the problems with these dispensaries were sales to minors, loitering, an increase in crime, increase in foot traffic, etc. Do we really want this for Hawaii? Or do we want a better, healthier Hawaii full of vitality? For these reasons, I respectfully oppose this measure.

"We just recently spoke about what I referred to as, the faucet. There are so many better ways to be healthy. So many better ways to be healthy in our mind and our body. Let's not forget one of the greatest nations ever at the time it was powerful, was brought down by opium. China was brought down by opium. At that time it was the oldest civilization. It was brought down. Do we need this? Do we really want that kind of reputation? We don't need it. We've got other things that are healthy.

"And when I walked around in San Francisco when I was visiting there just recently, it's amazing. Gee, I guess there are that many people who are not well or are ill. You can smell it all over Union Square. You go up the street, and you walk up Geary. You walk up any of those streets and you smell marijuana everywhere. Thank you, Mr. Speaker."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise in opposition as well. And in the interest of time I'll have the words of the previous speaker entered as my own. But I would also add that law enforcement across the State is against this measure. And I also worry about the unintended consequences of going down this slippery slope. Where we are actually going to create in our State the kind of environment that we are going to be in if we start allowing more and more of these kinds of dispensaries to show up. Thank you."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose to speak in support of the measure, stating:

"In support, Mr. Speaker. I think that we have been discussing this medical marijuana issue for the last four years in this Chamber and I think it's about time to at least give the pilot program a chance, so we can see if it works or if it has devastating consequences for our State. I think we should try it to see what it is because I've been hearing a lot of pros and cons about the issue. And furthermore when it's the proper time, I would like to name this compassion center the Joe Bertram III Compassion Center. Thank you."

Representative Hanohano rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support for this comprehensive five-year medical marijuana distribution pilot program in an unspecified county. It is refreshing to see the change in my colleagues' beliefs. This bill will assist qualified patients and caregivers to have safe, legal and reliable access to medical marijuana. This is a bold, humanitarian bill."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in opposition. When we are facing economic challenges and cutbacks in our Public Safety Department, now is not the time to exacerbate an already difficult situation and expect a positive outcome. Hawaii, Honolulu, and Maui County Police Departments oppose this measure – for good reason. The State of California is facing a huge battle with these so called "Compassion Centers". There are many abuses taking place. The undesired consequences of these centers have turned

into legalizing illegal substances. Let's learn from California's hardships. For these reasons, I oppose this measure. Thank you, Mr. Speaker."

Representative Har rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise with reservations. To be clear, I support chronically ill patients who have found that medical marijuana is an effective means of managing chronic pain and other symptoms.

"My main concern, however, arises because this bill cannot supersede federal law, which still classifies marijuana as a Schedule I controlled substance. I am troubled by the prospect of placing federal law and State law directly at odds. In jurisdictions that have passed laws on medical marijuana, complications have arisen because of these conflicts. When the State attempts to pass laws that are rendered moot by the federal law, federal law supersedes and essentially abrogates state law.

"Even if we pass laws at the State level, the prospect of prosecution for any medical marijuana user at the federal level remains. For these reasons I stand with reservations. Thank you, Mr. Speaker."

Representative Brower rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would like to submit written comments. I believe that a society that is forward thinking and mature needs to provide all natural medicines to people. This could be an important export crop for Hawaii. And while there will be growing pains, this is something that I think we need to do as a start. And may I have the thoughts that the Representative from Kailua is thinking right now entered into the Journal as if they were my own."

Representative Brower's written remarks are as follows:

"I rise in support of the five-year medical marijuana distribution pilot program. This is about reasonable, herbal remedies for health. This can be an important export industry for Hawaii, generating revenue for our state while giving residents new health management options.

"We know it can go wrong, but we must be vigilant. The following safeguards contained in the current version of the bill may help control abuses (and other unintended consequences):

- Authorizes the Department of Public Safety (PSD) to conduct criminal history record checks on applicants for compassion care center licenses.
- Authorizes PSD to convene a task force to study and advise in the drafting of PSD's Administrative Rules for the pilot program.
- Allows for Temporary registration certification for out-of-state visitors who are qualifying patients or primary caregivers in their home state to obtain medical marijuana.

"Since it is a pilot project, we can assess its effectiveness and make changes along the way, where needed. Or eliminate it entirely, if it proves to be unsuccessful. For these reasons, SB 1458 deserves a chance. Mahalo."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative M. Lee rose in opposition to 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 with strong reservations to this measure because of professional issues, and also the history of marijuana or "compassionate care" dispensaries across the mainland of the United States.

"As a registered nurse for over 40 years, I have cared for many patients with terminal, life threatening and painful conditions. Years ago, there was little available to ease severe pain and nausea. Patients suffered greatly. Today, the administration of pain medications is a science that is quite advanced. It is not unusual for patients to be ambulatory in the community with such devices as a morphine pump which keeps them comfortable during their daily routine. Medications which control nausea have advanced as well. These are given in controlled amounts and in doses that do not render the patient unable to function.

"Marijuana has been a popular alternative to traditional medicine; however smoking it has both safety and regulatory concerns attached. Smoking cannabis is similar to smoking tobacco – there may be damage to the lungs, potential for severe burns if the patient falls asleep in bed while smoking, property damage from fires, loss of capacity to drive and carry out ADLs and exposure of family members to second hand smoke. Marijuana is also widely used as a recreational and street drug. Some feel it is a gateway drug, and from all reports, the strength of what is available is increasing.

"I have other concerns related to the proliferation of dispensaries in states such as California, Colorado and Montana. For the most part, these establishments are simply "restaurants" which offer a wide variety of doses, flavors and prices to their clients. The "scene" on the Internet is quite colorful and many ads clearly proclaim the virtues of marijuana use for recreational purposes.

"Cities have found that organized crime loves these establishments, which often have more than marijuana on the menu. In Montana, on March 11, 2011, a major raid was conducted by federal law enforcement agents on many of these establishments, despite the fact that the Obama Administration has stated they would not seek to punish marijuana users.

"Mr. Speaker, the bill before us is complicated and flawed. It makes use of resources we can't afford such as monitoring by police, expensive photocopying requirements, a database, live video feed to police station, and on and on. It almost seems as if this draft is asking to be killed.

"No one wants to take away a remedy from people who really need it. I believe we need to find another way to make the substance available to truly needy patients, but this is not the way. This is a medical issue. The Department of Health and prescribing physicians should be involved to set a standard of care, dosing recommendations. Organizations like the Cancer Society and the Lung Association need to come out of their safe zones and make recommendations as well.

"Even though this is just a pilot, I believe we risk seeing rows of marijuana "shops" in the near future in Waikiki if we should we pass this bill."

Representative Jordan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"Medical cannabis dispensaries are essential to support the acquisition of medical marijuana in a method that does not promote illegal drug trafficking. Act 228 of the 2000 Session Laws of Hawaii legalized the use of medical marijuana by critically ill patients in Hawaii, but provided no safe provisions for the access to their medicine. Senate Bill 1458, SD2, HD3 explores solutions to this problem, providing a pilot dispensary program which gives the critically ill a safe manner to obtain treatment. Additionally, the bill could generate significant State revenues, with license fees and excise tax collections. I am in support of SB1458, SD2, HD3 for the fiscal benefits it will provide to the State of Hawaii and a legal avenue to purchase prescribed medicine."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1458, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Awana, Ching,

Choy, Fontaine, Johanson, M. Lee, Marumoto, Nakashima, Pine, Tokioka and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1520) recommending that S.B. No. 1383, 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. 1383, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1521) recommending that S.B. No. 1385, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1385, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise with support, but at the same time, I have a few reservations. The Department of Education should not be in the business of land development. As we are all aware, this Department uses over half of our State budget. My concern is that with this pilot project, more funds will be requested to carry out this measure.

"A three-year pilot is not enough time to develop housing as we all know. Should a business decide to embark on such a project located on public school lands and having invested time and money, they will be faced with uncertainty should this project end. This leads me to believe that not much will take place within this relatively short time frame.

"Furthermore, some of those lands are not State lands. The DOE should release these lands back to its original owner or governmental agency. The cost to maintain those properties will no longer be needed within the DOE. Monies saved could help pay for school bus service, books, lunch and other essential items for our *keiki*. For these reasons, I stand with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1385, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Kawakami voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1522) recommending that S.B. No. 1503, SD 2, 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. 1503, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1523) recommending that S.B. No. 298, SD 3, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 298, SD 3, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, in support with some reservations. On its surface I think this particular measure is a very creative idea, and I also recognize the fact that it is trying to pursue very worthy aims by promoting social corporate responsibility.

"The reservations that I have about this measure are just that in doing so, I think we are exploring territory that does need to be explored, but puts businesses potentially in an awkward hybrid plane of not necessarily being completely profit driven or nonprofit driven. It's not necessarily a bad thing to create another designation for entities that really are trying through their business purposes to achieve social good or environmental good for the broader society, but I do think in some respects it's a bit problematic unless those aims reconcile with either a profit motive or a non profit motive. So as this bill moves forward, I guess I'd just like to see how it develops. Thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and a brief comment. Mr. Speaker, this bill says that some corporations are created more equal than others. This essentially creates do-good corporations environmentally, which is very well taken in the nonprofit sector of which there are 7,000 in the State, and have done a very, very good job.

"This one however, goes to the extreme of saying that if you are a board member or an officer, you will not be held liable. Generally speaking, liability is a fact of life for all of us. We're all liable to friends, spouses, families, corporations, Majority leaders, Minority leaders, all of these kinds of things that occur in life. But in this corporation we're going to say if you're a board member or you're an officer, you don't have to be liable because you're going to do good.

"Now what if you get corrupt people in do-good corporations? The human element is, they're going to use this to their advantage. So what is the advantage of this? I'm not really sure, Mr. Speaker, except it may encourage people to do good stuff. But we've got a great private sector out there that's doing good stuff, and why do we need this for the potential of changing a very good business code and codification of ethics. Why we want to do this, I'm not really sure. So with that, Mr. Speaker, very strong reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 298, SD 3, HD 3, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1524) recommending that S.B. No. 1161, SD 1, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1161, SD 1, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just in support with some reservations and some comments. Yes, thank you, Mr. Speaker. I do want to thank the Finance Committee for amending this bill in a way that improved the bill. I've been watching this bill for a while because it would have affected my community, because what it would have done is exempt a person or entity from any requirement to upgrade, or replace existing utility poles when using the pole to install new or improve existing telecommunication cables. And so I'm very happy that the Finance Committee added safety and engineering requirements which made me originally oppose the bill.

"I'm sure many people in the Body remember what happened to us in Ewa Beach on March 4th, when we suffered a massive power blackout because the wind and the rain had knocked down 22 utility poles on Fort Weaver Road. And 15 of them blocked our ability to get into Ewa Beach.

"I have some reservations still on this bill. I know that we still have Conference Committee so this is why I'm mentioning it now, is that the new draft of SB 1161 requires that telecommunications and broadband installations or improvements not make any significant changes to the existing public rights of way. The bill however does not include underground utilities, and this is where it would affect my newer communities. Many telecommunication and broadband infrastructures are in the form of underground cables and conduits.

"The City and County Department of Planning testified that without the permitting process to keep us currently aware of where the underground utilities are, digging up a patch of ground to install or improve telecommunications could well dig up other underground utilities, be those water, sewer, electrical, gas, or even other telecommunication broadband conduits.

"And so I hope as this bill goes along that we can perfect it even more and include those underground utilities as being part of the process."

Representative Yamane rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm standing in support with reservations. A brief comment, Mr. Speaker. This measure currently looks at providing an exemption from all the requirements of Chapter 171, HRS. Mr. Speaker, there are some concerns regarding these easements and the right of way, and how those adjacent lands situated next to them would be affected.

"Mr. Speaker, I also would like to note that the Office of Environmental Quality Control of the Department of Health opposed this measure and felt that trying to piecemeal amendments to Chapter 343 was not in the best interest of the environmental protection intent.

"Mr. Speaker, I also note that this exemption has been an issue in many communities. I understand that it's a need in the rural areas. However, as we proceed forward, I think those issues need to be considered. Thank you."

Representative Yamashita rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. Mr. Speaker, Act 2, Special Session, 2007 created the Broadband Task Force, which asked the questions: Why is broadband important? What are other states doing? And what are other counties doing?

"The Task Force noted that the United States is 15th in the world in broadband speed, when telecommunications was once ours and we led the world. Hawaii is at the bottom of all the states in the Union as far as broadband speed goes. The infrastructure needed for us to catch up with the rest of the world is estimated to be close to a billion dollars. Other countries that have these types of world-class speeds, the nation or the federal government or their equivalent pays for that infrastructure. We in Hawaii are not a country and we cannot afford to pay for these types of things.

"The private sector has stated that they want to invest in our State, however the reason why they hesitate is because of the time it takes to go through the permitting process. They would rather invest in other states. So this measure is saying to them, 'Okay, if that's what it takes for you to invest in our State and we can't afford it, we're going to clear the way for you. Come in. Put it in, And we'll review it at the end of this process, and decide whether to extend it, to modify it, or whatever needs to be done.'

"Mr. Speaker, Section 3 of the bill refers to utility poles. This is an important component for the \$35 million ARRA grant that will connect all public schools and libraries. Without this mechanism in place it may not be

possible for us to utilize this \$35 million grant. What needs to be noted also is that the \$75 million Race to the Top ARRA grant is dependent upon online testing, which is also critical for this grant. So for those reasons and many others, I stand in support. Mr. Speaker, Thank you."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support and ask that the words of wisdom from our Representative from Makawao be entered into the Journal as if they were my own. And I'd also like to add additional written comments. Thank you."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support. If there is one measure that needs to move forward that expedites a process, it should be this one. As I understand, there is also a House measure with similar language.

"The United States is slipping from the rankings of high speed broadband technology throughout the world. Why is this relevant? Technological infrastructure will help us compete with other neighboring countries. These advancements will assist in all areas: education, tourism, business, economic development and trade to name a few.

"At an NCSL meeting comprised of the Black, Hispanic, Asian and Native American Caucuses, we voted in support of broadband infrastructure. As minorities, we know that these improvements will provide opportunities and open doors. Hawaii being a state with a majority of minorities, I ask for your support on this measure. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, we are not a third world country. This bill sets the bar up where we should be, world class. And may I have the words of the Representative from Maui as my own. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker, in support. And I would just like the words of the Representative from Ulupalakua entered into the record as if they were my own.

"And if anybody wants to see a visual graph of this reality, please come by my office. I've had it on my wall for about three years now since the broadband ARRA money announcement was made by the previous Administration showing that we have the highest prices and the lowest speeds of any of the industrialized nations in the Pacific Rim. Thank you, very much."

Representative Cullen rose in support of the measure with reservations and asked that the remarks of Representative Yamane be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Nakashima rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and permission to insert written comments please."

Representative Nakashima's written remarks are as follows:

"Senate Bill 1161 would exempt broadband infrastructure improvements from State and county permitting requirements. As we face opportunities to improve broadband infrastructure and federal regulatory mandates to narrow band our first responder communications, it is important to allow these infrastructure projects to move forward uninhibited by numerous governmental permitting requirements that would prevent broadband opportunities for isolated and rural areas of our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1161, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1525) recommending that S.B. No. 1355, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1355, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I wish to speak in opposition to this measure. I'm opposed to Senate Bill 1355, Senate Draft 1, House Draft 1, relating to taxation. The bill establishes for GET purposes a nexus or a connection between businesses in the State, and out of State businesses that engage in or solicit business with persons within this State. It gives out of state businesses that conduct business in Hawaii the option to: one, collect the GET; or two, file an annual statement with the Department of Taxation regarding sales of tangible personal property to Hawaii residents. This annual report will include the names of those persons to whom the sales were made, their addresses and amounts, among other items.

"Currently businesses with no physical presence in the State are not taxed. We have no jurisdiction to tax businesses in other states. Instead, Hawaii purchasers are supposed to pay a Use Tax for out of state purchases. And since most people are unaware of the law, this bill is an attempt to get the out of state businesses to help DOTAX collect the Use Tax by providing information on Hawaii sales and information on Hawaii people.

"But this bill may be illegal. The US Supreme Court cases have held that a state cannot impose a sales use tax collection obligation on out of state vendors unless those retailers have a physical presence in the taxing state. I cite, Quill Corp vs. North Dakota. A recent Colorado case has upheld this as well against the Colorado Department of Revenue.

"I think it's ridiculous to assume that an out of state vendor is supposed to help DOTAX collect use taxes. Out of state businesses do business with many jurisdictions, and forcing them to collect and provide information on their customers in various states would be a burden. This would be especially difficult for smaller businesses that don't have large staffs.

"In addition, there are issues of consumer trust and privacy concerns that are raised by having out of state businesses provide this information to DOTAX. To have a third party give personal information to a government agency raises privacy concerns and may have consumers up in arms. Therefore, as you can tell, I am opposed to Senate Bill 1355. Thank you."

Representative Choy rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. There was some advertising on this bill in the last couple of days, so I'm not going to go into the details, but let me just highlight some facts. First of all, this is not a new tax. People who make out-of-state purchases have to pay a use tax. This is also not an increase in tax since they're already supposed to have paid it.

"Mr. Speaker, this is also an equality issue. The 'brick and mortar' stores, the stores that establish themselves in the State of Hawaii who have employees that support our community, that support our tax system, collect these particular taxes. Why shouldn't Internet purchases, when you buy something over the Internet, also collect taxes for us?

"Mr. Speaker, we wouldn't be talking about this particular problem if it wasn't growing. And you know that more people are making purchases online. And more and more revenues are being lost. So it's really not fair to the stores that are here in the State that are collecting our taxes.

"I too have read the court cases, the preliminary injunctions for Colorado, and I don't think that those particular cases are on point, especially to Hawaii. All those cases pertain to a sales tax and we don't have a sales tax here. We have an excise tax. The difference being that a sales tax is levied on the buyer. An excise tax is levied on the business. So if this particular bill is illegal, it's time to test it. It's time to test it under our taxing scheme.

"And finally, Mr. Speaker, I realize that in these times any little tax increase will be opposed. And I understand that. Everybody's having a hard time. But not paying your tax liability is cheating. Cheating on your taxes is not, and should not be a tax planning tool. And it cannot be tolerated in our voluntary compliance tax system that we have in Hawaii. So for those reasons, Mr. Speaker, I stand in strong support of this particular measure. Thank you."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. I do appreciate the words of the Manoa Representative. He makes a good point. He feels that these court cases were based on sales taxes and those are on the buyer as he said. Our general excise tax is supposed to be paid by the seller. It's a tax for the privilege of being in business. And so we cannot tax an out-of-state seller. We do not have jurisdiction through our excise tax structure. So I do not see how we can possibly have jurisdiction over these people to force them to provide us information. They may do so as a favor to us.

"But he is correct in saying this is not a new tax, and this is not a tax increase. This is our existing use tax. So I would suggest that we educate more people, citizens in this State, that when they do make purchases out-of-state that they do pay their use tax, especially if the items are over \$100. So I will rely on him start an educational campaign. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, a rose by any other name is a rose. This is a money grab. It's a tax on the Internet, plain and simple. Fortunately we have an Interstate Commerce Clause that keeps the Representative from Manoa from doing what he's proposing to do. That's so one state is not pitted against the other. And of course we want to feel for the 'brick and mortar' of those who are in the State.

"However they have the option of going on the Internet. We get 7.5 million people here a year. If you want to keep them as customers, you keep an association, you sell the products that made them happy while they're here, on the Internet. Equal playing field.

"That's why the interstate commerce got out of this kind of pitting one state against the other. They used to in the granger days, they put up a fence. You can't cross from this state, to the other state because you have to pay a tariff. We've gotten away from that. In fact we're doing it, contrary to some people on the Floor here, internationally. We want to do free trade.

"But, Mr. Speaker, let me focus the last part on what Americans value very, very strongly, and that is privacy. This, if there's a Hippocratic Oath about do no harm to privacy, this is big time. This is every time you purchase something on the Internet, the provider on the mainland has to give the name, the amount, and your zip code. No, that was the earlier version. The new version name, address, amount and zip code.

"Now what if we have somebody of prominence who is undergoing cancer or some other disease that no one should know about. Yet by revealing what they're purchasing from that particular company, their privacy is totally invaded. Or something maybe a little more risqué, sexy lingerie and you're here out publicly. You bought sexy lingerie. What are you doing in your position of responsibility? You should not be doing that. This is an invasion to the basic values of privacy that Americans hold very, very dearly.

"If we are so hard up for money to tax the Internet, to want to out everybody about everything that they buy, I think we're going to extremes.

Let's fix the economy. Let's grow the economy. Let's not money grub with what we're doing in this bill. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just a couple of points that need to be made. I believe the Retail Merchants of Hawaii would appreciate us passing this measure. The Retail Merchants of Hawaii is a not-for-profit trade organization representing about 200 members and over 2,000 storefronts who are 'brick and mortar' retail establishments. It is about fairness, Mr. Speaker.

"And just another note from the Department of Taxation, the revenue impact for this bill would be similar to the revenue impact of a streamlined sales tax which is the federal measure that's being considered by several states. For this measure the revenue impact is indeterminate, but could provide between \$25 and \$30 million per year. Thank you, Mr. Speaker."

Representative Choy rose to respond, stating:

"Thank you, Mr. Speaker. Just to be really, really brief. And just to rebut the statement from the Representative from Waialae. I agree with her, but we have to remember that the GE Tax is a privilege tax for doing business in our State. The sales tax again is a tax on the purchase of goods.

"As a business person in the State of Hawaii, I pay a GET for the privilege of doing business in this State. When you sell something to somebody in this State, shouldn't you also be paying the same amount of taxes? So again, that could be a legal question that has to be looked at, but this bill is the beginning of that particular process. Thank you, Mr. Speaker."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, I rise in opposition to this measure. First of all, I'm not arguing against use taxes, nor suggesting that consumers should not meet their obligations under State law to remit this tax, much as we do with property taxes or licensing fees, or any number of other moneys owed to the State. Instead of reading all of this, I just wanted to point out just a few things and insert the rest into the Journal, Mr. Speaker. Thank you.

"Notwithstanding the federal court decisions regarding nexus, there are privacy considerations, and I want to re-stress this because I think it's very important. First of all, no business should be required to report the buying histories and habits of its customers. Information customers assume to be private. People purchase online for a variety of reasons and many times the type of products being purchased may be known just from the name of the business.

"Senate Bill 1355 is an unprecedented invasion of privacy that most consumers will not appreciate. In fact I remind the Members that we should not forget, just recently the University of Hawaii, I believe it was West Oahu campus, had a release of information, sensitive information, that included myself and other Members here.

"And for supporters of the bill who argue that it's about fairness and a level playing field, consumers really turn out to be the biggest losers. Remember, consumers pay the tax, not businesses. Business only collects the tax. And as we had seen in other states, if we pass this bill, we can expect that online retailers will terminate their affiliate relationships in Hawaii, thus eliminating any nexus with the State.

"Internet firms don't use or benefit from government services in the same way, or at the same level as any of our local businesses. And it's a tremendous undue burden to require Internet firms to comply with more than 7,500 separate tax jurisdictions around the country. A burden that 'brick and mortar' companies here in the State are not required to share.

"And the most important influence on State tax revenue and for curing our fiscal crisis is to foster economic growth, and this bill does not do that. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure. Nobody is arguing against use taxes nor suggesting that consumer should not meet their obligations under State law to remit that tax, much as they do with property taxes or licensing fees or any number of other monies owed by citizens to the State.

"Like many revenue generation and cost cutting initiatives we've debated this year, SB 1355 or the "affiliate nexus" bill has a number of unintended consequences such as costing the State money to implement the program.

"We could face costly federal litigation trying to defend the program. We WILL lose revenue currently realized by local tax-paying online companies.

"We WILL subject Hawaii companies which rely on Internet sales to the "taxing arms race" when Hawaii businesses are forced to comply with tax laws from other states.

"We WILL jeopardize taxpayer confidence in the State's ability to keep the purchasing habits of residents safe and secure as hackers are tempted to access the data base of information. Let's not forget the University of Hawaii fiasco.

"In the end – We WILL NOT generate any new tax revenue for the State from Internet sales. Instead, we will weaken our State's economic recovery efforts, as well as certainly raise concerns as more citizens learn about our government's attempt to collect and stockpile their buying histories.

"More than forty-years of established federal law is very clear: the states cannot burden businesses with tax collection responsibilities if they have no physical nexus in the state.

"In January, Colorado Federal District Court Judge Robert Blackburn issued a preliminary injunction enjoining the Colorado Department of Revenue from enforcement of a similar law. By requiring out-of-state marketers to report customers' purchase histories to the Department of Taxation, SB 1355 imposes upon out-of-state retailers the very burden the Federal District Court determined was unconstitutional.

"So, under current federal law, neither collecting sales tax, nor filing a report can actually be required of remote sellers.

"While use taxes are owed by Hawaii residents, that tax relationship is between the taxpayer and the State; remote sellers should not be conscripted into the process.

"Notwithstanding the federal court decisions regarding nexus, there are privacy considerations that continue to make the bill troubling. No business should be required to report the buying histories and habits of its customers – information customers assume to be private. People purchase online for a variety of reasons and many times the type of products being purchased may be known just from the name of the business.

"SB 1355 is an unprecedented invasion of privacy that most consumers will not appreciate.

"For supporters of this bill who argue that this is about "fairness" and "leveling the playing field", consumers really turn out to be the biggest losers. Remember - consumers pay the tax – not businesses. Businesses only collect the tax.

"As we have seen in other states, if we pass this bill, we can expect that online retailers will terminate their affiliate relationships in Hawaii, thus eliminating any nexus with the State. Internet firms don't use or benefit from government services in the same way or at the same level as our local businesses.

"It is a tremendous undue burden to require Internet firms to comply with more than 7,500 separate taxing jurisdictions around the country ... a burden that "bricks and mortar" companies are not required to share.

"The most important influence on State tax revenue and for curing our fiscal crisis is to foster economic growth. This bill does not do that. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes, thank you very much, Mr. Speaker and Members of the House. I speak very strong for this measure and I wish to congratulate the author of this very ingenious bill. Certainly it's a test, but if it can work, it will give us another stream of income which we badly need in the State. As we all know, we simply don't have enough revenue to maintain all the services and programs that we have. And this is another attempt.

"I'd also like to mention that it will help businesses. Right now, businesses are losing over \$30 to \$40 million a year in purchasing through the Internet. All these small little businesses are certainly not getting any wealthier with the citizens of Hawaii using the Internet more and more for their purchase of goods. It means less sales for our local businesses, and we need to help our local businesses. So I'm very surprised that some people are speaking against this measure when this is a pro-business measure that will help all the small businesses in Hawaii. They should buy locally, and if you're going to buy from the outside, you should pay for it. Thank you, very much."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. I would like the words of the Representative from Pearl City entered as my own. I think the points were perfectly stated. I wanted to also ask that the words of the Representative of Waialae be entered as my own.

"Recently I refurbished a couple buildings in my district. I wanted a certain kind of product because I wanted to re-identify one building so that it wouldn't be graffitied anymore because it had been graffitied for 20 years. We kept painting it out and painting it out. So I said I'm going to make it a little different. I couldn't find what we have here because we are far away from the rest of the contiguous states, and so much of what I wanted to have, I had to go through the Internet. I had to pay the additional shipping for the heavy bench, for the certain mailbox, for certain things.

"There are things that our people, our taxpayers, have to do. I think I've always been clear in my support for small business, but what I'm clear on is my support for our people. And our people to be the best that they can be for merit, for everything that they want to be. And I think that what we can do is we can have the best of both worlds by having that. And I think that the Representative from Pearl City established why this is the wrong way to go about helping small businesses. It's just one more notch in that tally of Hawaii's reputation of not being business friendly."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 1355. I have no qualms with the State trying to recoup tax revenue that is rightfully the State's under our current General Excise Tax laws. My primary opposition to this bill revolves around the State asking for information on retail purchases and the consumption habits of our residents. I am concerned that this measure is an infringement on personal privacy rights and that it is an overstep by government into our citizens' lives."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Just a few things. Yes, this is a fairness issue. We have many stores here, small businesses, retail merchants, who presently pay the GET, as well as a whole list of other taxes and benefits, especially when employing our local residents.

"Secondly, there was some issue brought up regarding tax information or sensitive information. DOTAX already manages people's confidential information. This is going to be nothing new. If you itemized a medical expense, DOTAX has that information. In fact, in many cases you probably submitted the receipt in which case they're going to know what it was for. So it's not like they don't do it anyway.

"Third is the issue of tax jurisdictions and the complications. My response to that is that's like any other business. If you are the CFO for Sears, or Macy's, or Costco, and you want to sell in 50 states, in varying counties, guess what? You have to know the jurisdiction and the tax code for each of those areas. If you want to sell to the country and you want to be all over the place, guess what? Just like the 'brick and mortar' guys, you have to know their tax code, too. I'm sorry. That's fairness.

"And then the last thing is the issue of the consumers. If the consumers walk into a storefront here, or a crack seed store on Fort Street Mall, they have to pay the four percent tax here as well, or in this case and in this county, four and a half percent. So irrespective of whether it's bought online or bought here, they still pay it. Thank you."

Representative Pine rose to respond, stating:

"I just wanted to make it clear that the reason I'm in opposition to this bill is purely because of the privacy issue. The previous speaker had stated that DOTAX already collects privacy information in terms of anything relating to our taxes. But according to our federal information practice statutes, what a person purchases online is not included as being protected under what he's saying that DOTAX already collects.

"And I do want to mention that I do support the Retail Merchants of Hawaii and I would support this bill, but even Carol Pregill, the President of the Retail Merchants of Hawaii, while they're for most of the bill, yet strongly urged lawmakers to eliminate the data-sharing option which is the very reason why I'm against this bill."

Representative Morikawa 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."

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations on SB1355, SD1, HD2, relating to taxation of out-of-state businesses on their activities in the State of Hawai'i. While revenue obtained from online purchases would be beneficial to the State budget and is required to be reported and paid under current State law, I have concerns over the logistics of implementing this current proposed legislation. Mainly, I have concerns about whether or not the Department of Taxation (DOTAX) has the power to require out-of-state companies to provide private information in regard to sales occurring in the State. This type of private data collection of names, addresses and total purchase cost could be challenged in court under privacy protection acts, which has occurred in other jurisdictions.

"Currently DOTAX does not have the manpower or equipment to process what is currently reported to the Department for many other revenue collections. To better capture out-of-state revenues, I would like to see a line item included on individual tax forms so individual filers can self-report their out-of-state consumption. This would ease the burden on DOTAX and would generate revenue for our State under our current requirements."

Representative C. Lee 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 S.B. No. 1355, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 35 ayes to 16 noes, with Representatives Belatti, Brower, Ching, Cullen, Fontaine, Johanson, Luke, Marumoto, Nishimoto, Pine, Riviere, Takai, Takumi, Thielen, Ward and Yamane voting no.

At 11:59 o'clock a.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1458, SD 2, HD 3
S.B. No. 1383, SD 2, HD 2
S.B. No. 1385, SD 2, HD 2
S.B. No. 1503, SD 2, HD 1
S.B. No. 298, SD 3, HD 3
S.B. No. 1161, SD 1, HD 3
S.B. No. 1355, SD 1, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1526) recommending that S.B. No. 1496, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1496, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would like the words of the Representative of Hawaii Kai entered into the Journal as if they were my own. Thank you, very much," and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1496, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1528) recommending that S.B. No. 752, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 752, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, just in opposition on Stand. Com. Rep. No. 1528. The reason I'm concerned about this, Mr. Speaker, and I know that we're trying to find money in different places. It just adds numerous new and increased surcharges for businesses and various places. I'm just concerned that once we add up the whole pie of all the tax increases and the fee increases, that this may be a little bit too much for business."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Pine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Choy rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I just want to talk about the \$20 surcharge. The origin of that surcharge was the Business Registration Division did a really good job during the former Administration and they dropped the fees by over 50% over a seven-year period. So the businesses did get a break. And so like the Minority Floor Leader said, we are looking

for money right now. So actually we're just asking for it back just for a short period of time. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. I really think this is just about the worst tax increase bill that we are going to see before us this Session. It's not the biggest but it's insidious. Just as a reminder I said at Third Reading on the House Bill that several other departments testified in opposition. I think it was the Department of Labor, the Department of Commerce and Consumer Affairs, the PUC, and I can't even remember the other one. It all goes to DBEDT to feed its operations.

"And there're so many people out there that have no idea that they're going to be slapped with a \$20 surcharge. Every single barber, cosmetologist, doctor, dentist, realtor, will be paying this and I just think it's a bad idea. Thank you."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker I rise in opposition to SB 752, which I believe has the potential to dramatically raise costs for Hawaii's business sector. As I stated in my remarks in the House version of this measure, I believe a surcharge like this has the potential to be levied multiple times on small businesses. I also worry that this fee may be passed onto consumers at a time when they are already under significant financial burden.

"This bill is well intentioned in its efforts to fund the Department of Business, Economic Development and Tourism, but I believe this measure may be counterproductive. The added fees will further burden already struggling small businesses in Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 752, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Ching, Fontaine, Johanson, Marumoto, Pine, Riviere, Thielen and Ward voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1529) recommending that S.B. No. 1213, 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. 1213, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1531) recommending that S.B. No. 787, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 787, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of Stand. Com. Rep. No. 1531. Thank you, Mr. Speaker. On any given day there's between 150 to 200 patients in Hawaii's hospitals who are waiting to be transferred to long-term care. Who are these waitlisted patients? Mr. Speaker, these patients will require hospitalization, but they have now since recovered and are deemed medically ready to transfer out of acute care to a long-term care facility.

"The total loss to hospitals in Hawaii was estimated at \$72.5 million in 2008. \$72.5 million. This is due to under payment by Medicaid and its

contracted health plans. In fact, Maui Memorial Medical Center reports that their waitlisted patients in acute care cost them \$1,200 per day. This would amount to \$36,000 per month, or \$432,000 per year. In fact, DHS, the Department of Human Services, already pays hospitals \$25 million a year in supplemental payments for these patients.

"To sum it up, patient transition is difficult from acute care to long-term care facilities. The key would be to make patient transition fast and effective, and reduce the cost. We could do this by placing more patients in home care, aging in place. That's why Kupuna Care is essential. We can also do this by having these patients that are medically ready to leave transferred to a community-based care home. It's \$1,800 a month for a foster home, compared to \$36,000 a month at Maui Memorial Medical Center.

"Perhaps transfer these patients to a public long-term care facility which would be about \$7,000 a month, or to transfer these patients to a private long-term care institution, about \$10,000 a month. But still, far below \$36,000 per month.

"If we can do these things, we can reduce the cost and perhaps reduce the \$72.5 million that was estimated to be spent and turned losses to Hawaii's hospitals. That's why I support this bill. 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. 787, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1535) recommending that S.B. No. 1360, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1360, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ichiyama rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Morikawa 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."

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations on SB 1360, SD1, HD2, relating to community care foster family homes. As pointed out in the testimony of the Long-term Care Ombudsman (LTCO), "most of the testimony in favor of this bill has focused on the cost of hiring a certified nurse aide as compared to a nurse aide (\$10/hr vs. \$7/hr), but the focus should really be on what's best for the resident."

"The LTCO further explains that "this bill weakens the care that community care foster family homes will be providing to our most vulnerable population by reducing the caregiver qualification." The LTCO shares my sentiments in summing up their testimony by focusing on the protection of our *kupuna*. I support the more practical approach proposed by the Department of Human Services that this bill be deferred and in the interim, all interested parties engage in discussions to restructure service delivery that ensures equity for the care providers and the safety of their clients."

Representative Belatti rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition and if I could make a few comments. Thank you, Mr. Speaker. I debated whether or not to speak up and make comments, but I feel the need to because I'd like to correct the record and let the Members know that in the Committee Report section where we talk about the testimony below, it's misstated that there was no opposition in this measure, when in fact the Long-Term Care Ombudsman strongly opposes this measure, as well as the Department of Human Services recommending a deferral, and the City and County Department of Community Service strongly opposing section 2 of this bill.

"At the end of the day, Mr. Speaker, this bill asks us to balance the health, safety and welfare of our *kupuna* against real business concerns about cost for the substitute caregivers and the providers in the community. But there's a better way to address this issue as identified in DHS testimony. While the bill is well-intentioned, according to DHS, the ability that a comprehensive restructuring of the service delivery with input from all, including agencies such as the Department of Health and the Executive Office on Aging, will provide a more effective and efficient way to provide the long-term care services needed with the welfare of the clients as the primary goal.

"Again, Mr. Speaker, I think if we have to balance the needs of business costs and concerns of the substitute care givers against the health, safety and welfare of our *kupuna*, we need to err on the side of ensuring the health, safety and welfare of our *kupuna*. Thank you."

Representative Wooley rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"I support this bill with reservations. I have met with many caregivers to talk about our laws and their challenges. I'm concerned about potential risks this bill creates for our *kupuna* – our seniors who live in community care foster homes.

"This bill will would weaken existing qualifications that a community care foster home caregiver be a nurse. Instead, the primary caretaker, who may not be present, is the only person that would have to be a nurse. If a substitute caretaker is caring for a senior, they would not need to be a nurse if this bill becomes law.

"This bill can be revised to reduce risks to our seniors by at least requiring that substitute caretakers become certified within two years. There are other revisions to our laws that can also better ensure our senior caregiver options are clear, risks to seniors are minimized, and caregivers are paid a fair wage."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Thank you, Mr. Speaker, this bill mandates that the community care foster family home must be certified and in operation for at least one year prior to being approved for a third client. Today the foster family homes are allowed to have two clients. One Medicaid client, and one private pay; or two Medicaid clients. There is no time limit. There is no experience requirement that allows them to go from a two-client household, to a three-client foster home. So this bill mandates that they have to be in operation for at least one year before being approved for that third client. It's a consumer protection issue and we think it's a proper safeguard.

"Second, this bill requires that nurse aids have minimum training of at least 16 continuous educational hours every two years.

"Third, this bill does state that the primary caregiver must be a certified nursing assistant, but it does allow the substitute caregiver to be a nurse's aide.

"And fourth, the foster home needs to make available for inspection to either DHS or any of their clients, or perspective clients and family members, a certification of approval that they're licensed to do business in Hawaii. They need to have for review, license of the current case manager

or case management agency that oversees their practice. They need to also provide certification of their certified nurse aides, as well as their certifications of certified nurse aides and nurse aides available for inspection anytime.

"I should note that the Medicaid patient who transfers out of acute care to a community care foster home will be saving the State, the hospitals and consumers a large amount of money. In fact, as I stated in the prior bill, it would be \$1,800 per month for a foster care patient, compared to \$36,000 per month in acute care. This is again for a patient that's medically deemed ready to leave that acute care facility. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure, stating:

"Just short comments, Mr. Speaker, in favor of the measure. The Department of Health and the Department of Human Services have long micromanaged the only two kinds of service that we have in the community for our *kupunas*. That is the foster homes and the care homes. And with the previous bill we discussed the patients that languished in hospital beds that we cannot place in the community which is costing the hospital and the State a lot of money.

"The only two measures that we have, I repeat again, for our *kupunas*, because we don't have enough long-term care facilities, and the ones that we do have are very expensive. They talk about restructuring the delivery of care. They have been talking about that for years, Mr. Speaker, and have opposed the measures that we have passed in this Legislature for the care of our *kupunas*, but they have not done so.

"If they have a better system they should have come up now and I would like them to come up so I could support this better system that they are proposing. But until then, I will support what we have because that's the only one that we have. Thank you, Mr. Speaker."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support and I want to include some written comments. But I would like to say that in testimony, I think the new Director of Department of Human Services is very sensitive to this issue and has a lot of good ideas. Particularly those ideas which would help language access in the area of examination for the nurses aides to become CNAs. So I support this, and I support the Director's ideas for improvement of the system. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. We have heard how the impact of wait-listed patients affects the bottom line of our hospitals as well as fill up needed acute care beds.

"Community Care Foster Family Homes are the front line of destination for the patients who are unable to return to home. A family setting is a good thing for many patients. Many operators have a substantial amount of nursing care experience.

"Whether a home can handle 2 or 3 patients is dependent upon the specific patient needs and skill of the caregiver- something that should be determined by the licensing agency.

"Whether a caregiver is a nurse's aide or holds a certificate as a certified nurse's aide has led to some of the Members' questions.

"The problem here is that there is a significant language access problem associated with the CNA exam which is given only in English and is a significant cost item.

"I believe this bill should deal with this concern by asking the Department of Human Services to assist with providing CNA classes in appropriate language. The bill should go forward with a 2 to 3 year sunset allowing time for those who would take advantage of a revised test. Patient safety is at stake here. I believe the DHS has a flexible attitude towards

this and will work with the care homes to achieve that result. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1360, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Belatti, C. Lee, Luke and Takai voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1536) recommending that S.B. No. 367, SD 3, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 367, SD 3, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to cast a no vote and to speak in opposition to the interisland high voltage electric transmission cable system which will cost your constituents and the ratepayers untold amounts of money as yet to be determined. Thank you.

"Senate Bill 367 will shift the entire cost of the interisland cable on to the ratepayer. All our constituents on Oahu. By voting for Senate Bill 367 we pass on to our constituents the entire cost of the cable even if the final project does not deliver the electricity as promised. By voting for Senate Bill 367 we will be shielding Hawaiian Electric Company and its shareholders from all possible negative outcomes. Wouldn't the Representative from Manoa love to see these kinds of business deals in the general business community, as we all would? It doesn't happen. The normal business community shares the risk, as it should, and they don't ask to be exempt from it.

"Our constituents will be bound to pay Hawaiian Electric shareholders a guaranteed rate of return even if the interisland cable fails to deliver. And for the first time in HECO's history, the Legislature will give HECO a profit, no matter what. And our constituents will pay, no matter what.

"Proponents argue that the risk is negligible yet they insist that your constituents pay upfront. But if the risk is so small, Mr. Speaker, why are HECO and the Department of Business and Economic Development so determined to pass all the cost onto our constituents.

"Proponents also argue that by funding the cable upfront it will protect the ratepayer down the road, but is this really true? This legislation doesn't establish any protection for the consumer that would guarantee that the ratepayer would actually benefit from lower rates. And yes, Majority Leader, I've read the bill. Go look at page 19, 20, 21 and see what happens with this. We have no indication whatsoever what the price per kilowatt hour will be. But we are allowing the electric utility company to recover its costs. It can recover its revenue requirement resulting from acquiring the undersea cable system. It can recover through an automatic rate adjustment clause its revenue requirement resulting from the capital cost that it incurs for on-island transmission infrastructure.

"For those of you that haven't looked at your utility bill and seen the ECAC, that's the Energy Cost Adjustment Clause, where every time the price of oil goes up, Hawaiian Electric passes 100% of that increase on to the ratepayer. We're now going to have an ECAC for the cable, an automatic rate adjustment clause, meaning boom, up it goes. And it can be coupled with the existing ECAC or be a separate one. To provide for the timely recovery of the revenue requirement, the Public Utilities Commission shall establish a separate automatic rate adjustment clause for that purpose. You watch your bill. It's going to up and you'll have no power or control over that.

"The electric utility company's revenue requirement shall include an approved rate of return. Wouldn't you love that? You go into business, you're not sure if you're going to be able to make it work, but you're going to get an improved rate of return. You're going to be guaranteed a profit.

Hawaiian Electric is. Our other businesses in the State aren't. You're also going to be able to recover depreciation revenue taxes, other relevant costs, and the electric utility company's net investment includes the cable acquisition costs, cost of planning, permitting, construction, the on-island transmission infrastructure ..."

Representative Ching rose to yield her time, and the Chair "so ordered."

Representative Thielen continued in opposition, stating:

"Thank you. Including an allowance for funds used during construction where the utility finances the planning, permitting and construction costs. It's just outrageous, Mr. Speaker, because you don't know what the cost is going to be.

"Cost estimates range from \$500 million to \$1 billion, but we don't know. Because we've had no analysis made available to us as decision makers. \$500 million to \$1 billion, and yet it could be more. Is it fair to commit the public to having to pay back for this? Because the bill automatically gives them this, and gives them a profit.

"Senate Bill 367 is rife with conflict and it allows Hawaiian Electric, as I've been saying, to take great risks without any consequence, and may actually act to delay meaningful contributions to our green energy transition. We all want a green energy economy and a green energy island chain. But Senate Bill 367 could lock us into a lawsuit similar to SuperFerry.

"And as I've noted to this Body a while ago, a number of years ago I said, 'Don't do away with judicial foreclosures. Don't allow the banks to do non-judicial foreclosures because there'll be dire consequences to many of the people in our islands who will lose their homes.' I said that a number of years ago.

"Today I'm saying, we're passing a bill that can lock us into SuperFerry type of litigation, cause those expenses to the State and Mr. Speaker, that takes the resources of this State to try to defend a bill that is a special interest bill for a monopoly utility and it draws us away from the true renewable energy efforts that we should be making in our State.

"I would also note that many residents of Lanai strongly oppose the wind farm that would provide electricity for the cable. And I would just ask those of us that live on Oahu to think, what right do we have to say that the residents of Lanai should have a large portion of their island turned over to a wind farm with that, I'd say visual blight some would call it, to provide power for Oahu. Not for Lanai. Not a self standing wind farm to provide the power to take Lanai off the electric grid. But no, we on Oahu feel that we have the right to say, Lanai, too bad. You're going to have to be the industrial wasteland to provide power for the residents of Oahu. I think that's shameful, Mr. Speaker.

"By voting for this bill, we're going to be giving Hawaiian Electric a \$500 million to \$1 billion gift that may or may not work. And it doesn't matter whether it works or not, the ratepayer has to pay for it under this scheme. Wouldn't it be better to insist that Hawaiian Electric take a risk just like any other business has to do in our State, Mr. Speaker. And then if they had to, I truly question whether this big wind project form Lanai would be their answer. I truly question if they wouldn't look at local resources that we have right on the Island of Oahu and tap into those resources at a less expensive cost to the ratepayer. This is a bad bill, Mr. Speaker. And I've read it. Thank you."

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I'm standing in strong reservations on this measure. While I'm in favor of renewable energy, and the concept of wind and other types of technologies that will help address our issue of energy dependency on oil, being a resident of Maui and having wind technology on that island, it forever changed the landscape of the West Maui mountains having those windmills there. I think a lot of people on Maui bought into that consequence by thinking that by having wind that our electric bills were going to go down, and in fact they didn't. They've been

steadily going up. So I'm concerned about that. I'm concerned about that impact that it will have on the people of Lanai.

"And the only reason I am not voting in total opposition is because I believe that it is a technology that we need to look at. I'm not in favor of the sweetheart deal that we are giving Hawaiian Electric in terms of doing this project, but I think we have to be really careful as we proceed forward with these types of projects and really take a look at the unintended consequences of our actions as this Body moves forward. Thank you."

Representative Wooley rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations. And I'd just like to make a couple of comments and then insert written comments. Thank you."

"I think we all generally agree we need to reduce our dependence on oil. We need to increase our renewable energy production within the State. And I think we all need to strive for efficiency and actually reducing our use of energy."

"This bill claims that it will move us in that direction. And if you look at the Committee Report, however, it says, the purpose of this bill is to establish a regulatory structure for the installation and implementation of an interisland high voltage electric transmission cable system. I think it's premature. I think that with the concept of us having wind mills on Neighbor Islands and then connecting it to Oahu is a concept, and I think it's potentially a good one. But there's been no analysis about the cost or the benefits that I've seen. Nothing in the record. I think also that I'm very concerned that this actually expands government at a time when we shouldn't be expanding government."

"And as the Representative from Kailua indicated, if you look at the language in this bill it looks like it's designed to benefit one corporate entity. So if you just glance at the bill throughout it, it has words such as, 'a cable company shall be selected through a request for proposal.' Or, 'an application for certificate of public convenience and necessity,' which is essentially what the PUC would do when they apply. It actually will be approved within 180 days."

"So, Mr. Speaker, again I just want to say that I think that this is premature. It may increase our electric costs significantly. It may be a dream for some lucky cable company. But I would much rather see something like a task force. Thank you."

Representative Wooley's written remarks are as follows:

"As I said, I have serious reservations about this bill, but that doesn't mean I'm opposed to an underwater cable system to promote renewable energy. I strongly believe in and support the many efforts underway to decrease our dependence on imported fossil fuels and move us toward energy independence and sustainability. However, this bill is premature. It also goes too far -- it will lead to a dramatic increase in electricity rates (estimated to be around 25% higher) with the risk of failure shifted entirely from a private corporation that wins a contract, to the ratepayers."

"In the State of Hawaii Department of Business, Economic Development and Tourism Progress report to the Governor and Legislature on January 4, 2010, DBEDT identified activities and initiatives to support HRS Section 196-41(c)(2). Priorities in that report included the study of interisland cable feasibility and likely performance, the evaluation of cost/benefit studies, and an economic modeling of the energy system. These activities have not been completed; it's possible that none of them have even begun. There simply has not been a qualitative or quantitative analysis of the cable system."

"In addition, a request for proposals to do an environmental impact statement was initiated by DBEDT, but it is nowhere near complete."

"My question for other legislators and the public to consider as they contemplate the potential for this bill to move forward is how can we go from a report in 2010 that identified studies and activities that need to be completed to evaluate an underwater cable proposal, directly to the

establishment of a regulatory support structure for a cable system, with specific provisions for one corporation to win a contract and then shift all the financial risks and costs to the ratepayers? This bill simply doesn't make sense in its current form -- it's in the wrong place at the wrong time and has potentially devastating consequences for the people of Hawai'i."

"Without more information and justification for a bill like this, I will not be able to support this bill in final reading if the language stays the same. I would support a bill that sets up a task force to evaluate the underwater cable system and report the findings to the legislature prior to the next legislative session. We simply cannot put the cart before the horse without serious negative consequences and risks."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, in opposition, Mr. Speaker. I would like to use the words from the speaker from Kailua as my own. My opposition is really very simple: if it is this Legislature's priority to make the ratepayers pay for this, then the ratepayers should have equal ownership and equal profit. And I think that's what I found so troubling in this bill that the ratepayer is taking on all of the risk and getting no part of the profit."

"And so I hope as this bill moves along that we start thinking about what Alaska has done with their natural resources and their natural gas. Their Legislature and their Governor helped the people of Alaska to be part owners of all this natural energy that they have. And so it's not unusual for our constituents to be part owner of this windmill project. I think we are very smart to be in favor of promoting natural energy and I support that aspect, but I do believe that we should all have the profits as well."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. In support. I do have reservations and I would like the words of the Representative from Kihei, aka my brother from another mother, entered in the record as if they were my own," and the Chair "so ordered." (By reference only.)

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.)

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise with reservations on SB 367, Mr. Speaker. I do support efforts to build infrastructure that will encourage and facilitate renewable energy and bring our State into an economy reliant on renewable energy. However, I am concerned that this project holds HECO ratepayers, our constituents, financially liable for the project, whether or not it is completed efficiently and successfully."

Representative Coffman rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of Senate Bill 367. Mr. Speaker, this bill does not approve a wind farm project. It does not approve the installation of an undersea electric transmission cable. It does not approve the installation of the electric utilities on-island AC to DC conversion station."

"Mr. Speaker, what this bill provides is a regulatory structure for the PUC. Mr. Speaker, the certification section of this bill outlines the steps for the development of a request for proposal, an RFP process that will determine the necessity for a high voltage electric transmission cable system. Determine if a cable company is financially fit, and determine if a cable system would be a cost effective and smart investment for the future of Hawaii."

"Mr. Speaker, the certification process outlines the steps to protect the ratepayers of our state by using a project on project process. A process that

links the cable company, the independent power producer, and the electric utility company together. The system has to work before a cable company and the independent power producer are compensated by the ratepayers. The PUC does not have to authorize any compensation to the electric utility if the project is started and not completed.

"Mr. Speaker, the only way that we can explore the possibility of bringing renewable energy from the Neighbor Islands to Oahu is to take this first step and authorize this regulatory structure. Thank you."

Representative Riviere rose to speak in opposition to the measure, stating:

"I rise in opposition. This bill is a blank check. It's a blank check for an uncertain future that is completely at the risk of the ratepayers of this island. The purpose of this bill according to its text says it's to establish the regulatory structure under which interisland undersea transmission cables can be developed, financed and constructed on commercially reasonable terms.

"Well that may be, it may be built and it may be built on commercially reasonable terms, however there's no clear indication what that's going to cost. And if we're going to write a blank check, I would suggest that this bill include a cap. How much are we going to pay? Are we going to pay \$1 billion, \$1.5, where does it stop? This is premature in my opinion because we haven't got to that question of what is the overall cost. And further, the section where it says recovery of electric utility company costs, and this is the great part, it says an electric utility company may recover the costs that it prudently incurs in acquiring a high voltage electric transmission cable system throughout the commercial operations period after it is acquired. So this bill is giving a blank check to buy the system as soon as it's complete and operational and we will continue to pay for it essentially without limit. That's how I'm reading this.

"The argument for the interisland cable is because there's so much wind on the outer islands and we have all the electrical demand over here. We have other resources that we can and should be exploring. In my district, Kahuku, we just turned on, we activated a new 30 megawatt wind power, so I'm not opposed to wind. Our community is very proud of this system. It is state of the art.

"But this project, you hear this number waved around that we're spending, \$7 billion a year is going overseas to the oil companies. This project is justified if the price of oil goes greater than \$120 a barrel. That magic \$7 billion. My question to the membership and you, Mr. Speaker is, what's the benefit to the ratepayer if that \$7 billion goes from the oil company straight into the pocket of the electric company? I'm not seeing the gain for our community, and our independence, and our financial security.

"So those are some of my major concerns. There is another one that says, right here where it says, if the electric utility company elects not to complete the on-island transmission infrastructure, the electric company may be allowed to recover reasonable costs. It doesn't say they're stopped or something got in their way. It says if the company elects not to complete the infrastructure they may be able to recover their moneys.

"So the questions I have are three. How much are we going to pay for this cable? Why are we writing a blank check? When we have wind generation we also have to have backup generation in case the wind stops blowing, so we have to pay the costs which is not calculated in any of this, of that backup reserve power. That is not insubstantial when we're talking about one third of our power coming from another part of the State. Where's the savings from the oil cost going? I don't see any savings in this project. So we're committing to spending a high price. There's no risk on the utility. They get everything they want. And we don't know what we're signing up for right now. I really don't think this bill should go forward at this time and not until we know the other pieces of this puzzle. Thank you very much."

Vice Speaker Manahan then stated:

"Before we proceed on Members, just so you know, the Senate has adjourned their session."

Representative Carroll rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I've gone back and forth on this measure. And like many, I do support renewable energy, and getting us off of the importation of oil. Looking at creative ways of how we get the energy to the other islands.

"But today I have to oppose this bill, and with all due respect to the Chair of Energy and Environmental Protection, this measure states that Neighbor Island resources should be used to satisfy Oahu energy needs. Maui County has many of its unresolved energy issues. These issues need to be addressed and resolved before the State considers Maui, Lanai and Molokai as abundant energy sources to be tapped for Oahu's sole benefit.

"This measure also presumes that using high voltage transmission cables to carry energy from Maui, Lanai and Molokai to Oahu is feasible. But environmental and other necessary technical studies have not yet been completed and reviewed.

"More importantly, the voices of the people of Lanai and Molokai and Maui, which I have been bombarded by my constituents, have said that they have not yet been heard. At a minimum, public meetings need to be conducted on both islands before a regulatory structure is considered. And I'm sure the intention of the Public Utilities Commission is to do that, but like I said today, I need to oppose this.

"Also regarding the proposed regulatory framework is unclear on how community benefits would be determined, who would bear the cost if these projects fail, and how these costs would be apportioned among ratepayers on Maui, Molokai and Lanai for an electrical transmission cable to service Oahu customers. A deferral is warranted to allow more time for community input. I ask for permission to submit comments to the Journal. Thank you."

Representative Carroll's written remarks are as follows:

"I would like to express my opposition to SB 367 SD3 HD2, establishing a regulatory structure for the installation and implementation of an interisland high voltage electric transmission cable system to transmit clean, renewable energy in the State. Although, I support efforts in promoting clean energy technology within our State, I need to oppose this bill for the following reasons. I would like to address the concerns of Maui County, the Office of Hawaiian Affairs, and many other constituents that have asked for my help regarding this measure.

"I would like to reiterate that Maui County has many of its own unresolved energy issues. These issues need to be addressed before jumping into an aggressive and risky enterprise that will not only be very extremely costly, but one that does not offer much remedy if such a plan should fail. I believe that more study and planning needs to be completed before undertaking such an enormous task designed to benefit the island of Oahu while potentially having drastic cosmetic changes, especially to the islands of Moloka'i and Lana'i.

"I question the feasibility of such a project when many technical and environmental impact studies need to be done to properly assess whether or not such a venture is indeed possible in its most current form. Furthermore, this interisland power cable in the state would lie across submerged ceded lands, which should require the support of the parties that govern such area.

"Again, I understand the need for this State to become energy efficient, but I am hesitant in supporting an undertaking that, assuming all the stages go according to plan, has the potential to only benefit 10% of Oahu's energy needs, does not significantly reduce energy costs, and will drastically impact the islands of Maui, Lana'i, and Moloka'i. It for the abovementioned reasons that I oppose SB 367 SD3 HD2."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And you wonder why we don't have more alternative energy in this State. This discussion today takes me back 23 years when I was in the Senate and we were trying to legalize geothermal. I heard all the same arguments. I almost got lynched when I voted for it, and some of those same people that opposed geothermal are part of that group that's trying to expand geothermal in the State of Hawaii today. We talked about undersea cable. Oh we're going to kill the whales. If your electricity rate goes up on Oahu, you know what you can do? PV, solar, on demand gas, your own generator. You've got a lot of options. Let's keep discussing this. Thank you."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Mr. Speaker, I love geothermal. I love solar. I love photovoltaic. I love wind energy. I love wave energy. I love all of those. And my wife is bugging me to put photovoltaic on my roof, but I'm not going to pay \$100,000. Well you say, it doesn't cost that much. Well, because we got proof. This one says there's no proof of what taxpayers are going to have to come up with and if the Chair of the Energy Committee is so certain, my goodness just put it in the bill or 'statutize' it, or put it in the Committee Report for all of us who love the idea. I think this is a great idea.

"It's a great idea with a bad business model. And those of us who can add and subtract are saying, 'My God. Okay you can get photovoltaic on your roof, but hey it's going to cost you an arm and a leg which for another 100 years you can pay for.' I mean, let's get real. Let's get down to the dollars and cents. And if it's not a good deal, let's not do it. There's other ways of doing it as the gentleman from the Big Island said. Let's do it ourselves and become self-independent.

"Mr. Speaker, it reminds me of the African saying that when the elephants fight, the grass and the trees, the small guys, get smashed. And we want to make sure when the big monopoly and the big government of the State of Hawaii fight, that the ratepayers don't get smashed on this. Let's go back and do our homework. Thank you."

Representative Fontaine rose and stated:

"Yes, Mr. Speaker, please change my vote to a no vote."

At this time, Representative Tokioka called for the previous question, stating:

"Thank you, Mr. Speaker. I can smell the aromas of lunch and I'd like to ask to call for the question. Thank you very much, Mr. Speaker."

Representative Awana rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Hanohano rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure, Relating to Energy. This bill was not referred to the Committee of Hawaiian Affairs which is tasked to examine submerged ceded lands. Establishing the regulatory scheme for an interisland power cable is presumptuous when the environmental impact studies (EIS) are in the preliminary stages. The native Hawaiian people on Moloka'i and Lāna'i have grave concerns and the potential impacts of their islands resources before tapping their neighbors resources. It is interesting that the Chair of the Public Utilities Commission deferred to the Legislature on whether to facilitate the development of the inter island cable system."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 367, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Carroll, Fontaine, Hanohano, M. Lee, Pine, Riviere and Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1537) recommending that S.B. No. 725, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 725, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Awana rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. Solid waste is a burden to the people of my district. Increase the solid waste fee and watch the increase in illegal dumping. My district along with many rural areas is also burdened by illegal dumpsites. There is already a solid waste fee. We add to an already bad situation and make it worst. For these reasons, I rise with reservations. Thank you. Mr. Speaker."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"On solid waste, reservations on the increase on fees."

Representative Ching 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 S.B. No. 725, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fontaine, Pine and Ward voting no.

At 12:39 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1496, SD 1, HD 1
S.B. No. 752, SD 2, HD 1
S.B. No. 1213, SD 1, HD 1
S.B. No. 787, SD 2, HD 1
S.B. No. 1360, SD 1, HD 2
S.B. No. 367, SD 3, HD 2
S.B. No. 725, SD 2, HD 1

At this time, the Chair announced:

"Members, we will now recess for lunch and return at 1:15 p.m. Thank you."

At 12:40 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:28 o'clock p.m.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1538) recommending that S.B. No. 146, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 146, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto 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."

Representative Wooley 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 S.B. No. 146, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cullen and Yamane voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1539) recommending that S.B. No. 699, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 699, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you. Mr. Speaker. I am in opposition to this particular measure. It raises fees and I think they're quite large. This is Senate Bill 699, Senate Draft 2, House Draft 2, Relating to the Office of Environmental Quality Control. It establishes fees to help fund the operations of the OEQC and to create an Environmental Review Special Fund. It will help fund the activities which include the ability to hire staff, support outreach, training, education, research, modernize and maintain technology systems, and develop technology training.

"But the proposed fee is as follows:

- \$1,500 for a draft environmental assessment;
- \$1,000 for a final environmental assessment;
- \$500 for an environmental impact statement preparation notice;
- \$4,000 for a draft environmental impact statement;
- \$3,000 for a final environmental impact statement;
- \$500 for other significant addendum to a final environmental assessment;
- \$500 for a final environmental assessment or supplemental environmental statement preparation notice;
- \$2,000 for a supplemental draft environmental impact statement; and
- \$1,000 for any supplemental final environmental impact statement.

"These fees are quite high and one project may incur many of them in completing their EIS. And this is according to the testimony from the Land Use Research Foundation of Hawaii. And they said it's based on what appears to be an arbitrary interim fee schedule for review of environmental documents. The arbitrary criteria for waiver of fees and the lack of transparency and stakeholder input in setting the arbitrary interim fees and waiver criteria. They were unhappy because it was created without stakeholder input of those select organizations that would be burdened by paying these fees. They state that it will increase the cost of State, county, and private development projects and economic development.

"So I think I agree with them. It's simply bad policy and bad business, especially in these economic times. Thank you."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Wooley rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"I support this bill with reservations. I'm simply concerned that the increased fees will cause the cost of projects to go up at a time when we need to stimulate the economy. In addition, the increased fees may encourage scofflaws and shortcuts that will hurt the environment in the future."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support of Senate Bill 699. Mr. Speaker, what's going to cost a lot of money is the developers who are delayed by months, and in some cases years, to get their EAs or EISs processed.

"The fees that were mentioned by the previous speakers are small compared to their cost to get their things processed, in upwards of a half million dollars. So what we need to do is to be able to fund the Office of Environmental Quality Control so they can move forward with the process, speed up the process, and help our development community move forward. Thank you, Mr. Speaker."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, 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."

Representative Tokioka rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Awana rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in opposition. The increases in fees are too large and consumers will ultimately pay for these increases. We want to support construction and development. I can foresee a decrease in construction and development because of this measure. Mr. Speaker, I believe the real question that should be asked is, "How much do they need?" and "How much will these additional fees bring to the department it needs?" 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. 699, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Cullen, Fontaine, Har, Marumoto, Pine and Yamane voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1540) recommending that S.B. No. 1244, SD 2, 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. 1244, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1541) recommending that S.B. No. 239, SD 2, HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 239, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"A ruling on a potential conflict, please. My grandson is at the Med School. Thank you," and the Chair ruled, "no conflict."

Representative Johanson rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. When this bill came up before in the House version at Third Reading, I was fine with it. And actually I still don't mind it. I don't mind the underlying tenant of this particular measure. But what I think is most problematic is the inclusion in this particular draft of the establishment of a Public Health School. I think again, most of us would like the UH Medical School to wean itself off of Tobacco Settlement Funds. I don't have any principal disagreement with any two of the other programs that it goes to.

"But I think an establishment of a Public Health School as this particular bill calls for is not necessarily very timely or prudent, given one, our budgetary constraints. It sort of suspends reality when we're looking for money in the public eye to be creating another school which may or may not be duplicative of the Medical School in its scope and mission.

"Furthermore, in splitting up the money that is taken from the Tobacco Settlement Fund it doesn't really achieve the end that any of the intended parties seek. The Medical School is losing money. That's going to have an adverse impact on them. It's not enough money for the public Health School to necessarily be self sufficient. And I'm not sure, with respect to the other two programs, that this diversion of funds goes to, whether or not that fully achieves their ends. So I think as a compromise, I understand why this may have been made, but I don't think it necessarily satisfies the ends of all of the intended parties.

"And lastly I think what is most ironic about this bill is given that it's underlying premise is rooted in achieving self-sufficiency and financial solvency for the Medical School, it's ironic that by creating another school we're perpetuating that cycle of dependency because it's not likely that the Public Health School as established by this bill is going to be receiving enough revenue to be self sufficient, get off the ground, and create itself.

"So for all those reasons, I hope that as this goes to Conference, this particular section of the bill, the creation of a Public Health School at UH is taken out. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. Mr. Speaker, in regards to the establishment of the School of Public Health, Mr. Speaker, JABSOM is currently looking at reestablishing in conjunction with the UH to develop the School of Public Health, and hopefully if they get the right resources, a School of Public Health could be established within about three years.

"Also, Mr. Speaker, also a UH School of Public Health would be able to draw in federal moneys from, for example, areas like the Center for Disease Control, as well as FEMA and other federal funds to do research in the area specifically related to issues relating to disease outbreak, chronic health issues, which includes tobacco cessation, Mr. Speaker.

"In regards to the School of Public Health and the nexus of the Tobacco Funds, public health and education is actually a more direct nexus than actually programs like JABSOM.

"Mr. Speaker, as we look forward, and as we move forward in regards to how to wean or get the School off the chronic cycle of using Tobacco Funds, the issue was using these funds with a more direct nexus of helping the future generations understand and be aware of diseases, and the impacts of cancer and tobacco related issues. A School of Public Health is

a direct nexus, Mr. Speaker. They would be the ones to educate and train those in the field that would be dealing with those suffering from respiratory and chronic disease. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I will vote on this measure with reservations, serious reservations. I found the arguments from the Representative from Moanalua compelling. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I also rise with some reservations and they are reflected in the comments made by the Representative from Moanalua.

"It's my hope that one day that we will be able to harness the John A. Burns School of Medicine as again, a source of excellence reflecting the East-West understanding of the strengths of both types of medicine, to be able to really be a source of pride and excellence. And I'd like to see us realize that goal because there are so many countries out there, be it Korea, etc. who would love to come here with their revenue, and come here and utilize somehow connected to our Medical School. And I think that was probably one of Dr. Cadman's goals. So getting back to Dr. Cadman's vision, I'd just like to see our Medical School excel. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition and I request written comments to that effect. Thank you. I just wanted to briefly just explain to the Members my opposition. I do recognize and appreciate the efforts made by the Chairs of Health and Higher Education as they attempted to address the shortage of medical personnel in the State by creating those residency programs, or at least putting it into this bill.

"However, Mr. Speaker, and I've said it from the beginning in 2001 when we created the Hawaii Tobacco Trust Fund that I'm going to, as long as I'm here on this Floor, I'm going to defend to the day that I'm not, why we set it up and how important it is. I would have let this bill pass this year, but there's another bill going through the Legislature that basically erodes the corpus of this Tobacco Trust Fund and also takes, for the next two years, the money going to tobacco prevention efforts.

"So not only do we not do what the advocates, the anti-tobacco advocates want in this bill, but we basically cut off their legs in the other bill. And when we go back to the creation of the Tobacco Trust Fund in 2001, I don't think any of us expected that we'd be here today talking about this.

"The other thing is in the hearing in Higher Ed, we had a discussion not only on the JABSOM, the John A. Burns School of Medicine, but also the Cancer Research Center. And as you all know these two facilities or two entities are kind of like combined and working together. What you may not know is a few years ago we appropriated I believe, it was 1 cent per cigarette to the Cancer Research Center, which amounts today to \$16 million a year.

"Now the reason why that's significant is because we learned through written testimony that was filed late, and you can take a look at it on the computers. We learned that the debt service for the Cancer Research Center is going to be in the amount of \$7 million a year. So what does that mean? Well there's another \$9 million somewhere being saved up for different things. Things like hiring new researchers for the Cancer Research Center.

"So I had an opportunity to talk with MRC Greenwood, the President of the University, and I asked her why doesn't she take some of this \$9 million, which is coming from the cigarette tax, and have that money support the Medical School, because the Medical School does need the

money. And give the \$4 million, which is what we're doing here today, give it back to the advocates so that they can do what they need to do in terms of tobacco prevention. No answer there.

"The reason why I bring this up is because I think we need to take a look at this package. We need to understand how much money is going to the Medical School. How much money is going to the Cancer Research Center. What they're using it for. And what the realities are in terms of the future request and general funds? And I think if you put everything together you'll understand why I stand here in opposition to this bill. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure. Let me say at the onset that I continue to support the University of Hawaii and the John A. Burns School of Medicine (JABSOM). However, I have two major objections to this measure. First, I continue to raise serious concerns about the use and erosion of the tobacco settlement funds. Second, I continue to take issue with the University's failure to fulfill numerous promises.

"I remind my colleagues of the Master Settlement Agreement (MSA) between the 46 states and the five major tobacco companies. According to the agreement, the settling states and our citizens will receive "significant funding for the advancement of public health and the implementation of important tobacco-related public health measures."

"In keeping with the spirit of the original lawsuit and the MSA, the 1999 Legislature passed Act 304 (SB 1034 CD 1), which states, "The fund shall serve as a mechanism to maximize financial resources for tobacco prevention and control, health promotion and disease prevention programs, children's health programs, and to serve as a long-term source of stable funding for prevention-oriented public health efforts."

"In 1999, when we set up the Tobacco Settlement Special Fund (TSSF), we dedicated 25 percent of the funds to tobacco prevention and quit-smoking programs. The reason why we dedicated 25 percent of the funds to tobacco prevention was the return on investment for tobacco prevention and control is quite significant. Essentially, for every \$1 spent on tobacco control, Hawaii saves \$5 in health care costs.

"Recently, the Hawaii Tobacco Prevention and Control Trust Fund (TPCTF) reported that from 2000-2009, \$88.9 million was spent in tobacco control. The projected health care savings from this \$88.9 million investment is \$451.7 million.

"In addition, there has been a significant decline in smoking rates from 2000-2009. In 2000, 12,000 high school students smoked. In 2009, only 5,500 high school students smoked.

"In 2000, 2,200 middle school students smoked. In 2009, only 1,300 middle school students smoked.

"In 2000, 187,900 adults smoked. In 2009, 154,000 adults smoked.

"I mention these statistics to show concrete evidence that since its inception, the TPCTF has saved lives by being a major driving force behind the reduced smoking rate in Hawaii.

"On the heels of September 11, 2001, the Legislature reallocated 28 percent of the annual tobacco funds to the UH Medical School while cutting the funding to tobacco prevention programs to 12.5 percent (one half of the initial amount).

"In 2009, tobacco prevention programs were again deprived of settlement funding with a further decrease to 6.5 percent.

"In 2001, JABSOM received 28 percent. Ten years later, JABSOM continues to receive 28 percent. In addition, in 2001, the intent of the Legislature was to fund only the construction of the medical school campus. Since 2007, funding over and above the bond payment went to the operations of the medical school. This temporary use of the extra funds

was supposed to end. Today, the UH Medical School says that it needs this extra funding forever.

"How can we explain the decrease of tobacco prevention support from 25 percent to nothing, while we hold steady and protect the funding to the UH Medical School at 28 percent?

"To add salt to the tobacco prevention efforts wounds, the Legislature is contemplating a raid of about \$30 million from the corpus of the TSSF and the elimination of all funding for tobacco prevention efforts for at least the next couple of years (SB 120).

"Even the Hawaii Department of Health (DOH) is deeply concerned that the long-term viability of tobacco prevention efforts is at risk. In testimony before the Legislature this year, DOH urges that "any redistribution of the TSSF be done in consideration of the original spirit of the lawsuit, settlement and resulting state statutes that established the special fund."

"In addition to our initial commitment to tobacco prevention efforts, I'm also concerned about the University's failure to follow through on commitments made to the Legislature since 2001.

"If we don't hold the University or other departments to their commitments, what good are their promises? And how can we believe them in the future?

"The commitment to use 28 percent of the funds for the UH medical school is much more than covering a \$150 million bond float. It's really about spending 300 million dollars! The debt service agreement was originally pegged at \$302 million or around \$10 million for 30 years.

"In addition, the University committed to raising \$150 million in matching funds to cover the cost of renovating the old Bio-Medical Sciences Building, to cover the cost of construction of the new Cancer Center, and to cover the operational costs of the new medical school in Kakaako.

"In 2001, I voted against our efforts to erode the promises we originally made in 1999. My vote today is in part because of this. But, my vote against this measure today is much, much more.

"We must hold people accountable for their words, commitments, actions, or, in this case, inactions. I would like to quote from a few letters that I have received in the past.

"On March 25, 2003, Dr. Ed Cadman, former dean of the UH Medical School, wrote: "Our best guess would be that operation and maintenance costs of the facility will be between \$6-\$7 million annually. We expect to primarily fund these costs through F&A (facilities and administration) cost recovery from sponsored projects."

"Cadman continued, "We understand (the Legislature's) expectation that the new school campus will be financially self-sufficient and the importance of having the ability to accurately measure and evaluate the school's return on investment."

"On February 25, 2004, David Morihara, former Director of Government Relations, wrote: "We anticipate that a substantial portion of the operating costs of the core facilities will be funded in future years mainly through the extramural facilities and administrative recovery mechanism and secondarily through interest earnings on endowments generated from naming opportunities and a contribution from the ancillary services provided on campus."

"Director Morihara also provided us with a chart explaining the Operating Cost Projections from fiscal year 2005 to fiscal year 2009. The chart shows that there were initial state funds of \$1.8 million to fund the start up of the medical school in FY05. An additional \$3.9 million was needed in FY06 to carry the medical school through a second year of transition. However, in FY07, the operations of the medical school were supposed to be nearly 100 percent self-sufficient. At that time in 2004, their own figures suggested that only \$364,952 were needed in additional

state funds to operate the new facilities. They projected general fund requirements of \$352,094 for FY08 and \$337,822 for FY09.

"On March 7, 2005, President David McClain wrote: "I do want to acknowledge that with regard to the funding of the operating costs of the research building and the educational building of the John A. Burns School of Medicine at its new location in Kakaako, initial commitments made in 2001 at the time the construction of the new facility was approved have been shown with the passage of time to have been overly optimistic."

"President McClain's comments were welcomed and necessary. In 2003, he committed to re-doing the financial plans for the medical school. He brought in Professor Shirley Daniels to come up with the new plan. In 2005, we approved an additional \$3.7 million for both FY06 and FY07. This temporary funding was placed in our budget as a proviso because the University committed to fixing their balance sheets by June 30, 2007. According to their commitments in 2005, they were only going to need this \$3.7 million for two years. Afterwards, their financial plans suggested that very little state funds would be needed in the biennium budget (FY08 – FY09) for the operations of the medical school.

"Gary Ostrander, who in 2007 served as the Interim Dean for the Medical School, said to *The Honolulu Advertiser*: "To the best of my knowledge to this day there was never a business plan. If there was one I have not seen it." This is totally absurd.

"In 2007, the University requested \$4.1 million for FY08 and \$4.35 million in FY09, in addition to the \$3.7 million in the two-year proviso. Just two years prior, they said that they would need little to no State funds to operate the medical school. In 2007, they said they will need \$15.8 million for two years in new money! This is absolutely irresponsible.

"In 2007 when the House passed our version of the State budget, I said then that I would support increasing the medical school base by \$3.63 million and \$3.95 million for the next two fiscal years. Our budget was very generous. The total general fund support to the Medical School in our budget was about \$5.6 million each year.

"But the University said that it was still around \$4 million short in operating funds even after our very generous support in our budget. So, what did they do? They proposed to make up the difference utilizing the tobacco settlement funds.

"In 2007, I asked then-Dean Gary Ostrander what would happen if they did not get the additional \$4 million. He said that they would be able to survive, but will need to make some reductions to their financial plans. I told him that his comments on right-sizing the budget were the same comments we heard two years prior. Did the university right-size the budget? The answer is no.

"This bill will allow the university to continue to access the left over monies from the 28 percent annual allotment. The University did refinance the bonds in 2006. We need to acknowledge and thank them for this. The payment for FY08 was \$6.6 million and the payments for the out years are a little less than \$10 million for each year.

"If this bill passes, the University will realize a lot of money. In 2008, with a significant increase in funds going into the TSSF, the University realized an additional \$7.4 million. Since FY09, the University continues to receive additional funds in excess of \$3 million each year.

"How can we in all good conscience provide this amount of funds to the University? What we're saying with this bill is that the University is no longer responsible to keep their commitments, no longer required to keep their financial books balanced, because they can always come back to the Legislature if they should fall short. Is this a good message? My answer is absolutely NO.

"I wanted to talk a little bit about our commitment to the Cancer Center. Recall that in 2001 when we approved the use of tobacco funds for the UH Medical School that the University's commitment was to provide the necessary funds to construct a new Cancer Center facility. In 2006, we passed SB2961, which became Act 316. This bill increased the cigarette

tax from \$1.40 per pack to eventually \$2.60 per pack in 2011. Some of this increase was to pay for the construction and operations of the new Cancer Center. In fact, the University was expected to receive \$11 million in 2009, \$16 million in 2010, and \$22 million from 2011 forward for the construction and operations of the Cancer Center.

"Recently, we received the "University of Hawaii Cancer Center Operating Budget Plan" (See testimony on SB 239 on March 22, 2011). In this plan, the Cancer Center plans on receiving \$17 million from the tobacco tax. The debt service for the new building will be \$8 million annually. With an extra \$9 million each year, surely the University can use some of these funds (again from tobacco) to assist the UH Medical School with their budget challenges.

"The public expects the Legislature to be accountable for the taxes we collect and the services we provide. We should do no less to those that receive our approval and funding as well.

"JABSOM will go a long way in providing the next generation of healers with the knowledge and support to serve the people of Hawaii. But we cannot send them forward on the basis of broken and empty promises.

"I conclude with the insertion of an article, which ran on Sunday, July 22, 2007 in *The Honolulu Advertiser*."

Posted on: Sunday, July 22, 2007

Hawaii med school goals come up short

By Sean Hao
Advertiser Staff Writer

The University of Hawaii's new state-of-the-art medical school and research facility in Kakaako is having less of an economic impact and costing more than originally promised.

The school has so far failed to deliver on several promises made by former UH president Evan Dohelle and former John A. Burns School of Medicine dean Ed Cadman, including:

- A promise to raise \$150 million to finance a new Cancer Research Center in Kakaako. Less than \$1 million of that money has been raised to date.
- A plan to draw in \$100 million or more per year in research and training grants. Medical school grants improved to nearly \$73 million in the fiscal year that ended June 30, 2006. They fell to \$48 million the following year, according to preliminary figures.
- An expectation the med school would create 500 new jobs. Total medical school jobs rose by 43 between June 2004 and July 2007.

In addition, a key pledge — that the medical school would not require added state funds to cover costs — may not be fulfilled for several years. That promise was based in part on plans to boost grant awards to \$100 million or more, which in turn would generate enough money to cover the new facility's overhead costs.

"The fact is we are actually doing what we said we were going to do," said Gary Ostrander, interim dean for the medical school. But "maybe not at that grandiose scale."

To be sure, the medical school has a positive impact on healthcare in the state. The first crop of 62 students is expected to graduate in 2010, and 60 percent of medical school graduates here go on to practice medicine in Hawaii, Ostrander said.

The \$73 million in grants to the school in 2006 was almost entirely spent locally, with the bulk going toward salaries.

"These dollars are being spent at the local 7-Eleven, being spent at movie theaters," Ostrander said. "That's a significant economic driver."

The health and economic benefits of a local medical school exceed the burden on state finances, he said.

"Healthcare would suffer tremendously in this state if there wasn't a medical school," he said.

As for the goal of \$100 million in grants, Ostrander said, part of the difficulty in reaching that goal has been a more competitive climate for grants in the wake of Sept. 11 and Hurricane Katrina.

In addition, the medical school has suffered from a lack of focus during a prolonged search for a permanent dean, Ostrander said. Cadman resigned in 2005 for health reasons, and the appointment of a permanent replacement dean has been delayed by a change in university leadership.

DIPPING DEEPER

Lawmakers gave UH the go-ahead to build the medical school in hopes of bolstering the state economy in the aftermath of the Sept. 11 terrorist attacks. The medical school was given a portion of a state settlement with tobacco companies to repay \$150 million in construction bonds.

The new school was then supposed to operate without costing the state any more money than it cost to run the university's old medical school. However, earlier this month Gov. Linda Lingle signed a new law expected to provide the school with an added \$3 million to \$4 million a year for the next four years.

That's on top of \$7.4 million in supplemental, additional budget funds already given to the medical school during the past two years. That means that by mid-2011 the state will have given the medical school an estimated \$20 million to cover increased operating costs.

Some lawmakers are losing patience with the lack of follow-through on the university's original promises. Those promises were the basis for much of the Legislature's support for the project, said state Rep. K. Mark Takai, D-34th (Newtown, Wai'aleale, Pearl City).

On Jan. 27, 2004, Dobelle promised legislators that by September 2005, UH would raise \$150 million to finance a new Cancer Research Center to be built in Kakaako next to the medical school and to retrofit the Biomedical Sciences Building on the Manoa campus.

Dobelle said he would get the money from federal, private and UH Foundation sources. "We're committed to that and confident of that," Dobelle told lawmakers at the time.

Takai said, "We were led to believe very early on that they would come up with a \$150 million match (and) ... they would pay for operating the new facility. I believe we need to support the university. ... All I ask is that when promises are made, promises are kept.

"I would expect that in four years the UH medical school will no longer need additional money."

'NEVER' A BUSINESS PLAN

In hindsight, key projections, including the amount of grant money that could be used to run the school, were off-base, Ostrander said. From the outset there was a lack of basic understanding of how much the new school would cost and how much money it would bring in.

"To the best of my knowledge to this day there was never a business plan," for the medical school, said Ostrander, who has run the school for about eight months. "If there was one I have not seen it."

The school doesn't have a firm grasp on operating costs in part because its facilities aren't fully utilized and because of the transition from older facilities on the Manoa campus into the new Kakaako campus, Ostrander said.

Meanwhile, the school's increased reliance on tobacco settlement money ultimately means less money for smoking cessation programs. Currently the state receives about \$35 million a year to settle healthcare claims connected with smoking. Of that, 24.5 percent goes into a state

emergency "rainy day" fund, 35 percent goes to the state Department of Health, 28 percent to the medical school and 12.5 percent into a tobacco prevention fund.

Until this month, the money not used by the medical school to pay debts had to be returned to the rainy day and tobacco funds. Under the new law, excess money can be used to pay medical school operating costs instead.

The U.S. Centers for Disease Control and Prevention has said Hawaii doesn't spend enough on tobacco prevention. Hawaii should spend \$11 million to \$23 million a year to have an effective tobacco prevention program, the CDC says. But the state spent just \$9.1 million on tobacco prevention in fiscal 2007 (ended June 30), according to the Campaign for Tobacco Free Kids.

Among those opposed to the new law was the Coalition for a Tobacco Free Hawaii. Kathy Harty, its interim director, said the group already doesn't get enough money for its programs: "We believe these should be funded rather than filling in a deficit for the medical school."

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Representative Fontaine 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 S.B. No. 239, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Third Reading by a vote of 43 ayes to 8 noes, with Representatives Johanson, C. Lee, Luke, Pine, Rhoads, Riviere, Takai and Takumi voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1543) recommending that S.B. No. 797, 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. 797, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH INFORMATION TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1544) recommending that S.B. No. 1348, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1348, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to speak in support of the measure with reservations, stating:

"In support, but actually with more reservations on Stand. Com. Rep. No. 1544. What this bill does is it establishes the Hawaii Health Connector to create a health insurance exchange pursuant to the federal Patient Protection and Affordable Care Act of 2010. And I just want to note again, we continue to be looking at these bills that basically put us in line with using President Obama's healthcare for Hawaii.

"And I continue to be concerned because on November 7th, Congresswoman Hirono put an amendment in the President's healthcare bill and basically she said in supporting this bill, I want to highlight several points. But the most important one, first for the Hawaii bill, includes the Hirono amendment that provides an exemption for Hawaii's Prepaid Health Care Act of 1974. And then a few days later, CBS News in Washington covered the story where she stated that we have this exemption because our Prepaid Health law is better than most throughout the federal government.

"And so I'm just really concerned that we continue to have these bills that include the President's Healthcare Act with our healthcare, and I just hope that we really analyze all of these stipulations very carefully."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, likewise on this measure, I will vote with reservations. I think it's premature. Thank you."

Representative Ching 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 S.B. No. 1348, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1545) recommending that S.B. No. 1274, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1274, SD 2, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with some concerns and reservations on this measure. Thank you. Mr. Speaker, what this does is it provides uniform standards for external review procedures to comply with the requirements of the federal Affordable Care Act which I'll call the ACA.

"A number of the present consumer protections are being repealed by this Senate Bill. Consumers presently under the current law awaiting a hearing are guaranteed all of the rights and protections under the current law. But under this new Senate Bill, the consumers presently awaiting a hearing will apparently be stranded because this bill fails to preserve all of the rights under the present law.

"Then the second thing is under the present law, consumers have a right to a face-to-face hearing before the Commissioner. Under this Senate Bill, consumers get no hearing at all and all external reviews are conducted by third party independent review organizations.

"The third point. Under the present law consumers have a remedy for errors of fact or law. Under the Senate Bill that we're addressing now, consumers have no remedy for errors. The IRO physician makes on the law, or applying the law to the facts.

"And then fourth issue. Consumers under the present law are assured of a level playing field against the legal resources and information available to the plans. Under this bill, consumers have to bear the cost of any assistance they receive from attorneys or experts.

"And then finally, under the present law all consumers are assured that Hawaii has a strong deterrent of proven effectiveness against managed care abuses. But under the Senate Bill, all consumers have no assurance that sending cases to a third party independent review organization will be as effective a deterrent against managed care abuses as the present law has been.

"So in summary, in trying to pass measures to put us in conformity with the ACA, I think we are taking some steps that are removing Hawaii's present consumer protection measures that are in our present law. I don't think that's progress and I would ask that the Conference Committee Members take a harder look at this. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm, they do represent health insurance plans in defense at administrative hearings, but I don't do any of that work. Thank you," and the Chair ruled, "no conflict."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I vote with reservations. I'm hoping that before the end of Session we are able to add an external review process to the bill that's existing now. Thank you."

Representative Pine 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 S.B. No. 1274, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 51 ayes.

At 1:51 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 146, SD 1, HD 2
S.B. No. 699, SD 2, HD 2
S.B. No. 1244, SD 2, HD 1
S.B. No. 239, SD 2, HD 2
S.B. No. 797, SD 1, HD 1
S.B. No. 1348, SD 2, HD 3
S.B. No. 1274, SD 2, HD 3

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1546) recommending that S.B. No. 1078, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1078, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I am in favor of Senate Bill 1078, Senate Draft 2, House Draft 1, but would like to express some reservations. This measure would make EUTF benefits subject to collective bargaining and I believe this might raise the State's health insurance cost.

"Presently, collective bargaining on benefits center solely on the employer and employees split to pay for the cost of health insurance premiums. And this system has served the State well as it gives us leverage by negotiating on behalf of all State employees so that we can obtain a good price from health insurance providers. I realize the price is going up, but nevertheless it's better than others.

"This bill totally changes this dynamic. It complicates an already difficult negotiation process by adding health benefits into the mix and weakens the State's ability to secure a better price for health coverage. The Department of Budget and Finance summed up this situation well in testimony when it said, 'Allowing individual units to negotiate benefit plans, and allowing arbitration panels to award specific benefits diminishes the leverage of the EUTF as a large group purchasing pool.' This means the State's ability to negotiate a good price will be weakened because it'll be approaching providers on behalf of several collective bargaining units.

"So health costs already make up a significant portion of our budget and this will mean that those costs might go up when we can least afford it. So I hope that you will consider this bill in the few weeks as we pursue the end of Session. Thank you, very much."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and one comment, please. Mr. Speaker, as the Representative from Waialae indicated, cost implications are implicit in this bill, and my concern is with what happened a couple of weeks ago with the notion of 'most favored nations.' It means that cost differential will disappear. It means that the cost of premium programs will be probably the order of the day. VEBAs will no longer exist. There will be no differentiation, and I think we have to take that into consideration. Thank you."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on SB 1078. I do want to recognize the intent of the measure. I believe that all of us in this Body recognize that the EUTF currently is not functioning optimally for both the employer and employee. However, I do have some concerns with this bill as currently drafted due to its potentially negative impact on the worker. Because of the current structure of the EUTF, I worry that by adding EUTF benefits to the collective bargaining process, we may exacerbate the dysfunctional process of determining a quality and affordable health care plan for our workers. In fact, this measure may engender the exact opposite outcome.

"Additionally, given our State's current budget constraints, I worry that this bill compromises the Governor and the Executive Branch's ability to manage costs, which has an impact on the entire State as we work to create a balanced budget for this fiscal year and in future years."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Marumoto be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Just a quick note that this bill does not split up the bargaining process into separate bargaining units. It simply allows for the bargaining of benefits as opposed to simply the dollar amount. I think the assertion that's something different is incorrect.

"Also I would just say that the current bill, there's been a lot emphasis on the cost aspect of this, rightfully so because it's an expensive part of what we do in the government. But I do think it's important to know that to point out that the arbitration process as it stands now is as fair as can be imagined where you have three arbitrators. One chosen by the unions. One chose by the employer being the government, the State and the counties. And the third one, if the two other arbitrators can't decide who they're going to pick, they take one from the list of the American Arbitration Association, which is what all private sector companies do too whenever they're arbitrating any kind of dispute.

"So there are cost considerations, but there also is an issue of just fairness with regard to the price that we pay for things, and the amount of money that we support our public workers who do the government's work for us. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1078, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1547) recommending that S.B. No. 1088, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1088, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I'm standing with reservations on this matter. Just a quick comment. My reservations pretty much circle around the aspect of where in this bill, benefits are paid indefinitely. Before there was a time limit, a cap. Now it's kind of indefinite and that makes me feel a little queasy, having an indefinite period of time when a benefit could be paid. Thank you."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise with reservations on SB 1088. I have some concerns with the proposed changes to existing law, primarily the language that states an "individual shall be exempted from the work search requirement," while on unemployment. Such a change may have the potential to perpetuate and facilitate individuals remaining on unemployment for a greater length of time. I think we should instead look to create mechanisms within our unemployment system that help individuals return to work and foster self-sufficiency."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker. Thank you. Just with regard to the concern about the indefinite period of the benefits being paid. No, they're not indefinite. The very maximum it's a 6-month period that we pay unemployment benefits in general, but the bill requires that the only way that you're eligible for these is if you're already attached to an employer who's going to hire you back and who has made it clear that they're going to hire you back, either by giving you a definite date or by keeping you on the books with regard to vacation time or sick leave. So this is not open ended. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in support. I would just like the words of the Chair of Labor entered into the record as if they were my own. And with the Members' indulgence, just a brief explanation of why this is important for my community, and for the businesses in my community, believe it or not.

"This very Legislature, several years ago, before my time, passed a law that basically banned certain kinds of visitor activity operations during whale season, thereby putting a lot of people out of work. Now they know that they're going to come back to work at the end of the whale season in May, but until that time they can't go out and get part-time work because they will lose their benefits.

"Meanwhile, their services are in big demand for the other activity operators especially given their mechanical and technical skills, but they can't hire them. So you have a situation where you have people who want to go to work, who don't want to pull down full-time unemployment, who are going to be out of work because of the law that this very Body passed, and yet cannot go to work for the other industries that sorely need them.

"So I ask for Members to keep that in mind as this measure moves forward in Conference and hopefully, what can come out will be a win-win for everybody. Thank you."

Representative Marumoto rose in opposition to 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:

"Thank you, Mr. Speaker. I rise in opposition to this measure that makes various negative changes to the Unemployment Insurance law.

"I take strong issue because it undermines our work ethic. For "attached employees, we get "work comp" if we are laid off. We get full benefits for part-time work. We don't have to seek gainful employment. We can quit anytime; we don't have to get laid off. This bill will be a drain on our Unemployment Fund when have borrowed from the federal government and must pay it back.

"The heart of this bill is the elimination of the requirement that those individuals who are on partial unemployment have to go back to the employer they are attached to within eight weeks of losing their job or else they will be totally unemployed. The advantage of a person being on partial unemployment is that is he or she is not subject to the 8 week work search requirement of unemployment benefits, meaning he or she doesn't have to look for a job.

"This bill makes that situation worse by completely eliminating that eight week time period. Now, that person on partial unemployment can continue to collect work comp indefinitely as long as that person maintains some sort of connection to the original employer.

"This goes against our unemployment compensation system. The very heart of that system is that, in exchange for offering a safety net for people who fall on hard times, is that they must be actively searching for a job. This legislation goes against that concept. He or she can just sit at home and do nothing to justify receiving the unemployment check.

"I know that it is nice that the individual is connected to an employer, but at some point we have to say that the partially unemployed individual has been on work comp long enough. The individual has to look for work. We cannot extend partial unemployment up to the limit.

"I think it is also useful to look at the history of this legislation. In 2009, we established that 8 week limitation into law through Act 170. The original time period was actually four weeks, but it was extended to eight weeks in recognition of the recession. As noted by the Chamber of Commerce's testimony on this bill, the Finance Committee report for that underlying measure stated it would "help employers retain employees' loyalty and productivity during the current recession." That point was further emphasized in the Act itself by the establishment of a sunset date in 2012. This bill eliminates that sunset date, so instead of providing temporary help during a deep economic recession, we are extending this benefit and making it easier for people to get "on the dole".

"A second way this bill undermines our unemployment compensation system is that it establishes numerous ways for people on partial unemployment to quit a subsequent part-time job and still receive unemployment benefits. Mr. Speaker, unemployment benefits are available to people who lose a job through no fault of their own. This bill changes that very fundamental idea. Unemployment compensation is there to help people who lose a job. We should not make it easier for people to voluntarily quit and go back to collecting unemployment.

"Finally, it must be mentioned that our UI Trust Fund is still under tremendous stress. It is already running at a deficit, and our employers are being asked to assume a greater financial burden by paying more into it each year. With this legislation, we are making it easier for people to collect those benefits, and make the Fund's situation even worse. This is not fair to employers, and these additional costs will harm their ability to begin hiring again. We need to recognize that fact, and not do anything that burdens the UI Trust Fund payouts even further.

"Mr. Speaker, I fully support the safety net that our unemployment system provides people, but there has to be limits. There are certain expectations that we have to place on recipients, and I feel that this bill

undermines those expectations, our values and our work ethic. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1088, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Pine voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1549) recommending that S.B. No. 1341, 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. 1341, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1551) recommending that S.B. No. 1076, SD 1, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1076, SD 1, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose in opposition to 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:

"I oppose this bill that allows employees to use their negotiated sick leave without retaliation from management. "I call this "the Surf's Up" bill. I have voted against this measure for several years – often the only legislator to do so.

"I am not opposed to employees using their sick leave when they are sick. I do not condone employer retaliation of employee use of legitimate sick leave. However, I do oppose employees using sick leave when they are not sick, when they frequently take a day off before or after a weekend, when their chronic absences force other employees to take up the slack, and, often, when the surf's up.

"Employers do not have any recourse if the sick leave has been awarded through collective bargaining. It helps those frequently claiming sickness and burdens other workers who take up the slack."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1076, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1554) recommending that S.B. No. 1393, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1393, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Tsuji rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"This bill would authorize the inclusion of dams and reservoirs serving important agriculture lands when calculating total acreage for IALs. It would also provide tax credits for dam remediation.

"The Legislature passed IAL initiatives with the goal of encouraging new, viable farms and ranches. In turn, this helps preserve agricultural lands for future generations. Water is a necessary component in this scenario, and dams and reservoirs efficiently manage the use of valuable water resources. Hawaii cannot afford to neglect its dams and reservoirs, especially when we are striving towards food sustainability.

"Stakeholders stated to the Committee how they believe this bill will greatly assist dam and reservoir owners as they attempt to finance the costs of upgrading their dams and reservoirs to meet DLNR's regulatory safety requirements.

"By providing dam owners with a financial incentive to meet additional regulations, the landowners will be encouraged to keep their dams operating efficiently and safely. This benefits Hawaii's farmers, ranchers and our ag communities."

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 S.B. No. 1393, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1556) recommending that S.B. No. 249, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 249, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I wish to speak against this measure. And it is with some difficulty because I know how difficult it is to operate a ranch without having a slaughterhouse, if I can use that term. However, in checking with some ranchers who are well aware of the problem, they feel that basically there is no way that the slaughterhouse can make it.

"Inasmuch as hogs are concerned, my understanding is one of the reasons they need the slaughterhouse is it's mostly for the hogs. In following up on that, my understanding is the hogs are shipped dressed already, and chilled. Hardly any of the hogs are slaughtered here.

"There is no dairy in Honolulu, and slaughterhouses are usually used to, if I can use the term, 'send the cows to their maker' when they're not productive anymore. And for that reason you need a slaughterhouse. But they don't have a dairy in Honolulu.

"So when you put all of this together, there's no way that the slaughterhouse, or this meat processing plant can make it in Honolulu. In fact, an offer has been made by some people in Maui for about a million dollars for the whole plant. And my understanding is that we're looking at about \$8 million.

"So with this kind of information, I need to vote against this measure. I'd like to make clear that it is not because of the emails that I've been getting. It has nothing to do with it. The question is strictly economics. And the precedent the State will set up by buying this meat processing plant. Thank you, very much."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. Mr. Speaker, there are many things that come to mind when someone mentions Hawaii. Our warm weather, our Hawaiian beaches, our great surf. But rarely what comes to mind perhaps are our cattle ranches, our cowboys. Hawaii is home to one of the largest cattle ranches in the United States. And our *paniolo* culture runs deep. We give them nomenclature, the *paniolo*.

"Indeed there are ranches throughout Hawaii and they're part of our history. They're part of our heritage, and they're the cornerstone of the agricultural industry. We recently had Prince Kuhio Day. Price Kuhio was an avid supporter of the cattlemen. He himself enjoyed it. It's written how he enjoyed going out with the *paniolo*.

"Today with fierce outside competition and the global economic shock, our agricultural industry is struggling tremendously. Uncertainty is on the horizon, but this bill is one of those that promotes food security to grow our agricultural industry. We just had a tsunami in Japan. I mean, what are we doing about sustainability? What if something were to get cut off? We want to be independent. Be able to feed ourselves.

"The Hawaii Livestock Cooperative Slaughterhouse at Campbell Industrial Park is the only one on the island. And Oahu is 80% of the meat consuming market in the State. The parcel of land that the HLC facility sits on is already owned by the State and so is the structure. The appropriation is mostly for capital improvements to the leasehold property, as well as the equipment.

"With many of our local Oahu residents wanting to support local, buy local, instead of meat that is flown in from the mainland. A facility such as this is necessary. Having a meat finishing facility on Oahu also means that cattle ranchers can process more beef in Hawaii, establish a premium grass-fed specialty meat industry. Hawaii-grown and grass-fed beef could become and actually is a gourmet food. So there's much promise for the agricultural and food security in Hawaii if we at the Legislature maintain the foresight to pursue it.

"You know, it always was interesting for me to note how Restaurant Row, not far from here, had many, many closures. Sunset Grill, other ones around there. You know, who expands in Hawaii? Ruth's Chris. We love our steak. We love our steak. I mean, let's just be honest. We go out. We go luau. We go anywhere. We love our meat. In fact, there are some who will go so far, if you go to a local event and there's no meat you, 'Aiyah,' right? So the thing is, why not do it here in Hawaii? Profit. Help our *paniolo*. Win win. Thank you, Mr. Speaker."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I have reservations on SB249, SD2, HD2. While I recognize the need for a local slaughterhouse to ensure food safety in the slaughter of hogs and cattle on Oahu and food sustainability in our State, I have large concerns about the State investing \$1.6 million only in equipment and liability of this operation since the State currently owns the warehouse and land it sits on.

"The better option is to just foreclose on the 2 outstanding loans owed to the State totaling about \$600,000. This investment could come with additional unexpected facility and equipment costs, which will be a liability to our already strained State budget. In addition, the number of slaughters conducted by the facility has been insufficient to be profitable.

"In this time of economic crisis, encouraging our State to invest in an unprofitable facility and no operational history causes great concern for our future State debt. A much more affordable option may be to create mobile slaughterhouses on Oahu at a fraction of the requested amount of \$1.6 million which has the ability to travel to local farms, has updated equipment, and does not require facility or land maintenance."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Reservations just on the cost. Thank you. And I wanted to insert written comments with reservations."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. What S.B. 249 does is make an appropriation to the Department of Agriculture for the State to acquire the slaughterhouse at Oahu's Campbell Industrial Park. Generally, I am against using State funds to acquire a private business. However, given the desire of us in Ewa Beach to be self-sufficient and given Hawaii's geographic isolation – this slaughterhouse facility will give us in Hawaii the ability to feed ourselves should a natural disaster cut us off from the rest of the world, even if for a short while.

"What I object to, however, is its cost: Given that the State has already made loans to the owners of this slaughterhouse and has in essence already paid a vast amount of money to these owners, the State should negotiate a better price for the public. Further, we can also not pay out a large portion of the State's limited cash because we should also cut from any cash outlay the portion of these loans which these owners still owe the State.

"We should not be overpaying for this. So because these prudent considerations about cost were not part of this bill's deliberations, I can only vote for this bill with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 249, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Brower, Rhoads and Souki voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1558) recommending that S.B. No. 14, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 14, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Tsuji rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"This bill would allow certain ag special funds to go towards the improvement of dams and reservoirs. It would also allow the monies to fund investigative studies to identify and assess necessary improvements to dams, reservoirs, irrigation systems, transportation networks and water quality testing and improvements.

"This bill will assist dam and reservoir owners as they deal with financing the significant additional costs to upgrade their dams and reservoirs to meet regulatory requirements. Providing dam owners with a financial incentive to improve their facilities raises the likelihood that more facilities will be kept in continued operation, with fewer decommissioned due to the high cost of compliance.

"Recent news articles reported on the severe drought that continues to plague our State, illustrating agriculture's paramount need for water. Dams and reservoirs together with irrigation systems provide necessary water resources for the agricultural industry and communities statewide. We should not neglect these structures, and I ask my colleagues to join me in support of the measure."

At 2:07 o'clock p.m. Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:08 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 14, SD 2, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," passed Third Reading by a vote of 51 ayes.

At 2:11 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1078, SD 2, HD 1
S.B. No. 1088, SD 1, HD 1
S.B. No. 1341, SD 2, HD 1
S.B. No. 1076, SD 1, HD 3
S.B. No. 1393, SD 2, HD 2
S.B. No. 249, SD 2, HD 2
S.B. No. 14, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1560) recommending that S.B. No. 98, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 98, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and I'd like to ask for permission to insert comments into the Journal. Thank you."

Representative Tokioka's written remarks are as follows:

"Thank you, Mr. Speaker for allowing me to stand in support of SB 98. The intent of this bill is to level the playing field for water carriers throughout the state of Hawaii. The PUC's recent decision to allow a new water carrier into the market place even though it would not service all of the routes, especially to the smaller markets, seems to be very unfair. The passage of this bill will allow for fair competition minus unfair advantages in the PUC water carriers market.

"Thank you Mr. Speaker, for the opportunity to speak in support of SB 98."

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 S.B. No. 98, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1561) recommending that S.B. No. 1324, 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. 1324, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Fontaine, Marumoto, Pine, Thielen, Ward and Wooley voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1562) recommending that S.B. No. 1328, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1328, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, 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."

Representative Ichiyama rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. This bill proposes to increase the motor vehicle registration fee from \$25 to \$45, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT) relies on the Highway Fund to implement its strategic plan for highway improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the numerous potholes on the on-ramp to the H-1 by Mapunapuna. We use this on-ramp daily, often swerving from side to side to protect our cars, trucks and vans. The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. Thank you, Mr. Speaker."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I oppose SB 1328. I would point out that if the Legislature had not previously raided the Highway Fund, this measure would be unnecessary. As I have said previously on the House version of this measure, I do believe the State must work to improve our roads and highways and I recognize the intent of this bill is to raise revenue for the State Highway Fund. However, I believe this measure is one that my constituents cannot afford at this time.

"These are difficult times for everyone in Hawaii and this fee increase will add to the cost of living for many of my constituents because of its broad-based nature. Many of my constituents are barely getting by financially and this is not the right time for this fee increase on everyone who drives."

Representative Ching 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 S.B. No. 1328, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 35 ayes to 16 noes, with Representatives Belatti, Brower, Ching, Fontaine, Har, Johanson, Keith-Agaran, C. Lee, Marumoto, Morikawa, Nishimoto, Pine, Takai, Thielen, Ward and Wooley voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1563) recommending that S.B. No. 1329, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1329, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 1329. I would point out that if the Legislature had not previously raided the Highway Fund, this measure would be unnecessary. I wholeheartedly support the intent of this measure and its efforts to raise revenue for the improvement of our roads and highways. However, I do not believe our constituents can afford a widespread fee increase such as the one proposed in this bill, which will exacerbate their already high cost of living, merely for the privilege of continuing to drive. I do believe this particular tax increase will hurt most of the people in my district and adversely impact many of our constituents statewide. This is a broad-based tax increase that will hurt families, seniors, and those individuals barely managing to make a living in Hawaii these days."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ichiyama rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. This bill proposes to slightly increase the motor vehicle weight tax, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT) relies on the Highway Fund to implement its strategic plan for highway improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the numerous potholes on the on-ramp to the H-1 by Mapunapuna. We use this on-ramp daily, often swerving from side to side to protect our cars, trucks and vans. The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. 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. 1329, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Belatti, Fontaine, Johanson, C. Lee, Marumoto, Morikawa, Pine, Takai, Thielen, Ward and Wooley voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1564) recommending that S.B. No. 1493, SD 1, HD 2, as amended in HD 3, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1493, SD 1, HD 3, pass Third Reading, seconded by Representative Evans.

Representative Morikawa rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with reservations. I believe that all new lighting projects should conform so as to preserve the quality of the night sky. However, I foresee problems with the replacement of fixtures.

"Kauai County is in the process of changing athletic facility lighting and the expense is tremendous. Here on Oahu, while driving down North King Street, I noticed about a mile of beautiful decorative, old fashioned, lamp poles. I don't know if those lights actually work, but if they do and they eventually need to be replaced, the responsible agency needs to be prepared to change or retrofit all of those lights to meet the criteria of this bill.

"Ultimately however, we should all pursue this goal, but we need to give agencies time and resources to achieve it. Thank you."

Representative Ching rose in support of 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 strong support of SCR 1153, S.B. 1493 - Relating to Light Pollution. If enacted, this bill would enact the recommended legislation of the Starlight Reserve Committee. Specifically, this piece of legislation would require that all new and replacement outdoor light fixtures use a full-cutoff fixture with a few exemptions.

"I am in support of this bill for two very specific reasons. First, economic impact. At present, astronomy is responsible for an estimated \$150 to \$200 million in revenue per year. For the observatories on Mauna Kea and Haleakala to operate at optimum levels we must preserve Hawaii's visibility of the stars by minimizing light pollution. This measure supports this goal.

"Second, there are health and safety concerns. As is cited in the testimony of Starlight Reserve Committee Chairman, Richard J. Wainscoat, "Fully shielded lights emit much less light at near horizontal angles, meaning that light trespass is substantially reduced. Light from adjacent properties or from streetlights entering our bedrooms is a form of light trespass. It can make it difficult to sleep at night. Excessive light at night has been linked to some forms of cancer, particularly breast cancer."

"I share Mr. Wainscoat perspective and concern on lights ability to influence our health and wellbeing and for these reasons, I support S.B. 1493."

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 S.B. No. 1493, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1565) recommending that S.B. No. 823, 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. 823, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1566) recommending that S.B. No. 1327, 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. 1327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES," passed Third Reading by a vote of 51 ayes.

At 2:17 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 98, SD 2, HD 1
S.B. No. 1324, SD 2, HD 2
S.B. No. 1328, SD 1, HD 2
S.B. No. 1329, SD 1, HD 2
S.B. No. 1493, SD 1, HD 3
S.B. No. 823, SD 1, HD 1
S.B. No. 1327, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1567) recommending that S.B. No. 1555, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1555, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

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 S.B. No. 1555, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Brower voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1568) recommending that S.B. No. 1219, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1219, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

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 S.B. No. 1219, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LANAI WATERSHED," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Carroll, Pine and Riviere voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1569) recommending that S.B. No. 1511, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1511, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Awana rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. My concern is the length of the lease before an audit of leased lands has been completed. My other concern is using the Department of Transportation lands for aquaculture which in testimony the DOT was against. In addition DOT stated by allowing aquaculture in an area that receives funding for federal transportation dollars, this may jeopardize funding. This is recipe for disaster. For these reasons, I ask this Body to move cautiously as this measure goes to Conference."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1511, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1570) recommending that S.B. No. 1549, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1549, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto 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 S.B. No. 1549, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Brower voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1571) recommending that S.B. No. 903, SD 1, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 903, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure 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 in support with reservations of SB 903. While this is an important bill to ensure that critical housing resources remain affordable. However, there are several problems with the mechanics of the affordable rental housing development program.

"According to HHFDC, while it is able to contact and encourage owners of expiring HUD and USDA-RD projects to either extend or transfer their interests in such projects to nonprofit organizations, we cannot require private property owners to negotiate if they are not inclined to do so. Additionally, HHFDC also cannot require private property owners to cede their ownership interests to any other person or entity, including nonprofit organizations without additional appropriated funds to cover the full market value of these projects.

"My reservations lie in the perpetual affordability requirements will hinder private sector participation in the preservation of HUD-assisted projects. First of all requiring a property to remain affordable beyond its useful life is not reasonable. Second, nonprofits pledge to keep their projects affordable over the long-term (typically 50 to 60 years). Restrictive land use covenants, including the agreed-upon term of affordability, are recorded and run with the land. Government cannot impose regulations that apply beyond the term of government assistance. This requirement will stifle reinvestment in the project and preclude the option for redevelopment of the project site in the future. Even nonprofits in the business of providing affordable housing would like the option to sell a poorly performing project to reinvest in another rental project. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 903, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Riviere voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1572) recommending that S.B. No. 912, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 912, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, I needed to declare a potential conflict on Stand. Com. Rep. Nos. 1572 and 1574. I work occasionally for a homeless shelter," 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. 912, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1574) recommending that S.B. No. 900, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 900, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I have reservations on SB900, SD2, HD2. I appreciate that this bill is intended to help address the needs of the unsheltered homeless population by establishing safe havens in surplus or available open or vacant locations. The concerned questions arise with security, sanitation, legal liabilities and entry criteria. The focus should remain on providing safe, decent and affordable housing to address this issue and not create a new way of life that could become difficult to undo for our most vulnerable population.

"For many years my community has been inundated with homeless encampments stretching along the entire coast. I have seen firsthand the many issues that homeless have encountered, and heard the outcry of community members requesting something be done to clean up public spaces. These are hard choices and we again, must remain focused on providing housing and not open spaces for temporary stays."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations to SB 900. I appreciate and honor the solutions before us to combat homelessness here in Hawaii, which I believe to be of grave concern for all of us of here on the Floor today. While I recognize the need to find immediate and effective solutions to these challenges, my reservations with this particular measure center on whether or not the use of State facilities are going to be utilized by the homeless, if these facilities will be safe and secure, and

quite frankly, how the use of State facilities to temporarily house the homeless might impact the surrounding community at large.

"I am in full support of measures and programs that create long-term solutions to our homeless problems, but I am concerned that this measure may create only partial solutions to a much broader problem. Moreover, this measure may create a new set of challenges for our communities. We must address the problem of homelessness in a comprehensive, systematic fashion that helps solve the root of the problem."

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. Please note my opposition to this measure. Although on the surface this sounds well-intended, to corral or warehouse homeless in parking lots. There are a number of concerns that we may need to address with this. One of them is sanitation, and the safety of those individuals who are now living in their cars in a parking lot, their overall safety. And what kind of cost and liability there may be if something happens to someone while they're occupying the parking lot and utilizing it for this fashion.

"We heard from various homeless groups that help the homeless who are also opposed to this measure and don't feel that this is the direction we should be going. We should be looking at trying to provide more affordable housing and looking at more shelter options, versus having people living in their cars. Thank you."

Representative Marumoto rose in support of the measure with reservations and asked that the remarks of Representative Fontaine be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Aquino rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on Stand. Com. Rep. No. 1574, SB 900, SD2, HD 2. I support the idea of attempting to address our growing homeless issues. This is a short-term answer and I appreciate the Committee Chairs that passed this measure forward. However, this bill does not address some of the core issues surrounding homelessness. Services that address drug and substance abuse along with mental health issues are items that should be included in this measure.

"Providing temporary shelter is very meaningful and needed, but I believe we are missing these key puzzle pieces to make this endeavor more effective. Thank you, Mr. Speaker."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Thank you. Clearly homelessness has become quite a front-page issue over the last couple years, but obviously not a new problem to Hawaii. What this bill does is it tries to provide perhaps not the most ideal solution, but maybe something that can be done for the short term to address the issue of homelessness.

"I know there are many concerns on where we will place it. Whether or not there will be programs and services for those at the location, and so on and so forth. But I would say that if we want to provide a place for people to be able to go, off the street such as is being reported on say, Kuhio Avenue, or Kalakaua Avenue where not only have they encroached residential areas, but our tourist area. You have encampments, as well as defecation. And now it is permeating, like I said, into the residential and now our tourist industry.

"Is this the most ideal situation and solution? No. But it is one I think, of the options that we need to take a look at as a stop-gap measure. Do we

need to build more affordable housing? Absolutely. Are we going to do it in the next three to six months? I don't think so. It's not going to happen. And can we have more shelters? Yes. And I would be very supportive of anybody who would like to introduce even a resolution with their name on it, putting it in their own district.

"So let's be real. We have these people, brothers and sisters, living in the parks, on the streets. They have no place to sleep, and put their head down in peace.

"One of the people who came to the Housing Committee who worked with homeless, as well as having been a homeless person, they were talking about clearly, the mental health issues. One of the Committee members asked about treatment, medication, and things of that nature. One of the people had responded in saying, 'I don't take my medication because generally anti-psychotics make you dull. And if you're sleeping on the street and you want to protect yourself physically from attack or being assaulted, or having what little possessions you have being taken away, you don't take it because you cannot defend yourself.'

"And so while we don't have as much affordable housing as we would like, or as much shelter space as we would like, I think this should be something for consideration and for the Members to address the short-term issue while we can work on some of the more medium- and long-term solutions. Thank you."

Representative Brower rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I used to joke that the issue of homelessness wouldn't be taken as seriously as it should at the State Capitol until homeless began to populate our State Capitol lawn. Last night was one of several nights where I walked home late at night, after 11 p.m. And as I left the Capitol there were three people sleeping in the cement areas near the Rotunda. I often walk through the district late at night, and I try to walk on the back streets of Kakaako. I passed several encampments where the homeless are just sleeping right on the doorsteps of private businesses there, and we get these complaints often.

"I support this bill because it's modeled a lot like a resolution which I authored two years ago on homeless safe zones. And part of the issue is that the chronic homeless will not go into affordable housing for various reasons, and that's why I think we really have to think 'outside the box.' And there isn't going to be a perfect solution, but I know that when a natural disaster strikes, the first thing that government does is it takes the people who are homeless and provides shelter for them. So why shouldn't our response be any different during what I'll call an economic disaster. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In support, Mr. Speaker. And I just would like to first thank the Representative from Waikiki for giving us, with the Chair of Human Services, in giving us this option of a safe haven. I would like to thank him again, for his wisdom.

"And second, I would like to make a correction. This bill that we have before us is not about parking lots. So Members, if you would read the bill, it is not about parking lots, but rather to address the public health issue that's at hand.

"I have toured a lot of encampments for the homeless, and the stench of urination and defecation around the area is something that we need to be concerned about. This bill is about building toilets, showers, washing machines, and water fountains so the homeless people have somewhere to go to relieve themselves as opposed to doing it everywhere. So to the contrary, Mr. Speaker, this is for public health being addressed in this bill. Thank you."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, this bill is not a 'silver bullet' for homelessness. It certainly is not a panacea, and I will say

that it is a work in progress. But I believe it provides options not only for the safety of our homeless persons or population, but also for the residents, the area residents around this safe zone wherever it may be. So I see this as an option.

"We have to do something. We have already outlawed our homeless population throughout the State and there just needs to be flexibility and a place for them. And so I believe in this option, and I support this measure. Thank you, Mr. Speaker."

Representative Pine rose to disclose a potential conflict of interest, stating:

"Yes, I needed to declare a potential conflict on Stand. Com. Rep. Nos. 1572 and 1574. I work occasionally for a homeless shelter," and the Chair ruled, "no conflict."

Representative Pine continued to speak in opposition to the measure, stating:

"I would like to speak briefly in opposition to Stand. Com. Rep. No. 1574. I have tried very hard, as someone who works in the industry, to support this measure because I do believe that the introducers care a lot about the homeless and want to solve this problem. But because of some of the words I've been hearing, I feel it is important for me to clarify what causes homelessness.

"What causes homelessness is poverty and lack of housing. It's not just drugs and things like that. You can have a wealthy drug addict, but they still have a home and they won't be homeless. And I think what concerns me the most is the reason why we're all seeing more homeless in our districts, it is because poverty has increased.

"And if you look at the overall picture of what we're doing today, what causes poverty is the inability to afford your cost of living, and what we have done so far since 9:00 this morning is we've raised multiple taxes and fees which would cause poverty for some people. We have potentially reduced the amount of housing that we can produce by taking away some tax credits for those that build affordable housing. And so I hope as we continue to talk about homelessness, let's first look at what causes it.

"The reason why I'm so concerned about creating these areas where the homeless will go is, well the Representative from Waikiki had mentioned that we can't even get people into shelters. How are we going to get these people to go into these areas that we want to create if that's what we're trying to solve? The Representative from Kaneohe said that a person testified in Committee that he didn't want to take his psychotic medicine. Well for those of us in the homeless industry, this is what concerns us. We see it every day and so we're going to force people to go in these areas with their children, with men like this that don't want to take their psychotic medicine.

"And so while I know that this is well-intended, but I just feel like every single penny that we have should go into building more affordable rentals. More affordable housing where people can possibly purchase like we do with Hawaiian Homelands. And we should also definitely stop passing bills that cause poverty."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, a short comment. I'm in favor of this with a number of concerns. One is the history of providing funding for the homeless has been very negligible, and until I can see some dollars, I will be very cautious and have reservations. As the old saying goes, if you really believe that you need to take care of the problem, show me the money."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Rhoads rose to speak in support of the measure, stating:

"In support. I just differ on what the cause of poverty is. I don't think there's any question that poverty has increased in this country in the last few years, but I think it's pretty clear that the reason that more people fall into poverty is not that we've raised taxes incrementally at the State level. It's that the private sector had a major meltdown that practically put the whole world into an economic tailspin, and that's where the poverty was derived from. Not from the fact that this Body has very marginally raised taxes over the last couple years. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"In support with some written comments. But also I would just like to add that it's not just taxes that are causing homelessness. It's basically mental illness, and substance abuse, and the lack of treatment thereof. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support. The homeless problem is getting worse and suggested solutions are many, but none are perfect.

"This bill would place sanitary facilities in an undesignated place which would allow homeless to set up temporary shelter. "Safe Haven" is probably not the best term here as a shelter such as this could not possibly be a haven.

"Services such as medical, legal and social would be available here and the land used would be most likely State owned.

"Personally, I am very much in favor of the Housing First concept; however, finding a building or landlords willing to take in the homeless is difficult. The Safe Haven concept would be an alternative to the shelter and superior to having people pitch their tents on the street. It is worth a try."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 900, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Fontaine, Har and Pine voting no.

At 2:34 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1555, SD 2, HD 2
S.B. No. 1219, SD 2, HD 2
S.B. No. 1511, SD 1, HD 2
S.B. No. 1549, SD 2, HD 1
S.B. No. 903, SD 1, HD 1
S.B. No. 912, SD 2, HD 1
S.B. No. 900, SD 2, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1575) recommending that S.B. No. 1073, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1073, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose in opposition to 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:

"Mr. Speaker, I am in favor with reservations on SB 1073, SD2, HD2 Relating to Surcharge for Indigent Legal Services. This bill increases the amount of surcharges for the indigent legal assistance fund to provide basic civil legal needs for access to shelter, medicine and custody of

children, among other things. It requires the Hawaii Justice Foundation to review, on a biennial basis, the indigent legal assistance fund to determine whether it is meeting the civil legal needs of indigent persons, and report to the Legislature starting in 2014. These are all very worthy services.

"However, I have reservations about this bill. It raises the District Court fees from \$10 to \$25 in 2012, and to \$35 in 2014. That amount will go to organizations providing indigent legal services. It raises Circuit Court fees from \$25 to \$50 in 2012, and to \$65 in 2014. The civil action in the Court of Appeals fees will go from \$25 to \$50 in 2012, and to \$65 in 2014 for civil actions. Organizations such as Legal Aid Society of Hawaii, Domestic Violence Action Center, Mediation Center of the Pacific, Hawaii Disability Rights, Hawaii Justice Foundation, Hawaii Immigrant Justice Center, ACLU can apply for grants to access the money.

"While I believe it is worthy of these groups to provide legal services to those in need, my concern is that the fees are now large so as to be a burden on smaller legal firms and their clients who are struggling to stay afloat in this bad economy. It will also be a burden on banks and credit unions with many filings – the fees will quickly mount up. So I vote with reservations on this bill."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, and Members. I stand with reservations and I would like to see the Bar Association contribute a little bit more and offer more of their services for their indigent people. I would hope that the Conference Committee members, when they go through the Conference on this issue, would possibly make some adjustments in the fees. I think the increase in some of the fees and the fines are relatively high. This is beginning to hurt some of the businesses, and I think that is why there are some no votes and those with concerns on this measure. So if they can better share in the costs instead of relying on one particular business, I think it would be a lot more fair. Thank you, very much."

Representative McKelvey rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict? I serve on the Board of Directors for Legal Aid, one of the recipients of the fee and surcharge. 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 S.B. No. 1073, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1579) recommending that S.B. No. 1347, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1347, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with reservations about the bill. Thank you. If the Members would turn to page 7 of the bill, this is another measure that pretty much solely benefits Hawaiian Electric. And on page 7 of the bill it states that an electric utility company, which basically is Hawaiian Electric and its subsidiaries, they can recover through an

automatic rate adjustment clause, the electric utility company's revenue requirement. This is in relation to any cost and expenses of a renewable portfolio of the electric utility company.

"So again, the Commission can establish a separate automatic rate adjustment clause or approve the use of a previously approved automatic adjustment rate clause without a rate case filing. It's those last five words that are the key words. Without a rate case filing means that there's no opportunity for the Consumer Advocate to be a part of that process to say on behalf of the consumer, 'We don't believe that this rate increase is legitimate. We don't believe you should authorize it.'

"So once again, you have an automatic rate adjustment going upward for the ratepayers. It shows up on their utility bill, but no intervention by the Consumer Advocate to protect the consumer. Thank you."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? On section 5 of the measure, HRS 486H is the section on gasoline dealers and I'm a part owner of a gasoline station. Thank you," and the Chair ruled, "no conflict."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee 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 S.B. No. 1347, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1580) recommending that S.B. No. 1270, SD 2, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1270, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. In fact Mr. Speaker, I rise in support with kudos and commendations for the Chair of Finance. Earlier the Representative from Kailua had said that, 'I told you so,' regarding the foreclosures.

"Regarding this bill I would hope they would see the Minority website at www.hawaiistatebudgetonline that we showed you so that we can pay it back as this bill does. Take the money for the emergency, but then repay it and allow enough in there for the reinsurance in the event there is a hurricane so we are safe and sound. So I think iron does sharpen iron, and I commend both sides of the aisle for this bill. Thank you."

Representative Har rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I stand with reservations on SB 1270. I have concerns about further tapping the Hurricane Relief Fund to help us balance our State budget as it perpetuates lawmakers' habit of raiding this and other

funds in the future. I do appreciate that this version includes a provision explicitly borrowing and repaying money from this fund.

"The State Insurance Commissioner has submitted testimony indicating that insurance experts believe a Hurricane Relief Fund balance of \$70 million is sufficient critical mass by insurance experts to leverage for reinsurance purposes should another hurricane strike our islands. Moreover, I prefer this method of borrowing from the Hurricane Relief Fund rather than an increase in the General Excise Tax as a source of balancing our State budget."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1270, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1582) recommending that S.B. No. 723, SD 1, 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. 723, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1583) recommending that S.B. No. 772, 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. 772, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1584) recommending that S.B. No. 1363, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1363, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Rhoads rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just need to request a ruling on a potential conflict on Stand. Com. Rep. No. 1584, the plastic bag bill. One of my wife's clients is Safeway. Thank you," and the Chair ruled, "no conflict."

Representative Souki rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker. I would like a ruling on a potential conflict of interest. I'm a consultant with the American Chemistry Council. They produce plastics, and right now I'm hired as a consultant to work with Maui County on the styrofoam problem. Thank you," and the Chair ruled, "no conflict."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I wish to speak against this measure. Inasmuch as I recognize that plastic is a problem and we need to take care of the problem comprehensively, I don't believe this is taking care of the problem of plastic comprehensively. You are only looking at bags. When you go to a supermarket, as probably our new Representative from Kauai can tell you,

and you fill your package, probably 9 or 10 items in there have plastic. You buy fruits, and it's usually wrapped in plastic. Meats wrapped in plastic. A lot of the items have plastic and yet none of those plastic items are being taken care of. All those plastic items are going into the waste stream and it's going to be there forever. So you're taking care of one little part of the problem.

"I'm saying, instead of having the 10 cents and giving some of that money to the supermarket so that for one year, or whatever the time is, it's better to develop a more comprehensive recycling program and send all these plastic products to H-Power. I think they would love to have plastic products going to H-Power inasmuch as it's all made of oil. But to take care of only one item when you have dozens of items, literally in that particular market, it serves no purpose to take care of the plastic problem. Thank you."

Representative Herkes rose to speak in support of the measure with reservations, stating:

"With reservations. We each have one of these 51 bags in this room."

Representative Morikawa rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morikawa's written remarks are as follows:

"I believe that current County Ordinances should govern the ban on plastic bags and not be preempted in any way by this measure."

Representative Kawakami 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 of interest. We have some grocery stores that we own and operate on Kauai," and the Chair ruled, "no conflict."

Representative Kawakami continued to speak in support of the measure with reservations, stating:

"Please note my reservations. I have concerns about this measure and how it will affect the counties that have taken steps to ban the use of single-use plastic bags in retail and food service establishments.

"Most notably on Kauai, and that's where I'm from, we've taken a step to ban plastic bags so the only option we have is paper. Now a paper bag is going to run between 12 to 17 cents per bag, and so the current proposal on the table requires the retailer to charge 10 cents, of which 2 cents goes back to the retailer. And that is subject to income and general excise tax.

"So if you don't have a plastic bag ban enacted in your county, it may come out to a win win because the cost of a plastic bag is about 1 to 2 cents. And maybe you break even. But on islands like Kauai where our only option is either to provide no bag or a paper bag, the 2 cents coming back to the retailer doesn't cover the cost of the bag, and it does not cover the cost of all the implementations that would be required. You have a checkout teller that now has to count how many bags are being distributed. And you have to break the fee out in your accounting department.

"So for the small businesses, and the 'mom and pops,' it would be an excessive burden in my opinion. And this is for counties that have taken the right step to eliminate the use of plastic bags. So please note my reservations, Mr. Speaker. Thank you."

Representative Johanson rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. Again, I have no qualms with the underlying tenants of this bill to achieve a friendlier environment. What I do worry about is my constituents' ability, as well as all of our constituents' abilities to absorb the costs that we would be passing on through this measure. So given the hard economic times that all of our constituents live in, that is why I will be voting in opposition. I also

ask for further written comments to be inserted into the Journal. Thank you."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to SB 1363. While I do support the intent of this measure to improve the environment and to proactively reduce the amount of material put into our landfills, I cannot support this particular fee increase. Though it seems like a small fee, I believe the added cost to the grocery bill is not a cost that can be absorbed by our constituents, especially in these difficult economic times. This fee will increase the already high cost of living because it targets the purchase of necessities such as food and groceries. This added fee will touch everyone, each time they step into a store or business. Again, I do support the intent of this measure and support actions that help increase and improve environmental awareness and conservation. However, this particular fee has too broad-based of a negative impact on all of our constituents. I do not believe my constituents can afford this additional fee."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. Do no harm to Hawaii's families, which we're in the process of."

Representative Keith-Agaran rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'd like to issue my reservations. And I'd like the words of the Representative from Hanalei adopted as if they were my own, except that wherever he said Kauai, it should be Maui."

Representative Har rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I think that the intent of this bill is certainly laudable and I've discussed this with the Chair of the Energy and Environmental Protection Committee. But my biggest problem with this bill, well I should say I have several problems with this bill. But at this point, let's talk about what's going on at the retail level.

"And with all due respect to my colleague from the 14th District, one of the issues that has come up is with retailers, and the fact of the matter is this. They spend anywhere between one and six thousand dollars per store, per month, on the purchase of these plastic bags. So while we as consumers receive them free currently, they in fact take that one to six thousand dollars and they incorporate that into their price point. So we, the consumers, are still paying for those bags notwithstanding the fact that they're 'free.'

"So what this bill will do is allow the retailers to still purchase these bags, but we're now paying them for the cost of these bags. But when I ask the retailers this question: Will you now bring down your price points? They will not do that. And to add further insult to injury, they all tell us to institute this bill, but they need some time and money to get this program going. So the Finance Committee, and with all due respect to the Chair, I thank him for only allowing that 20 percent to go to the retailers for one year.

"But again, where are the retailers in all of this? Of course they stood up in support of this bill because we're now paying for these bags for them. But the problem is we're sticking it to the consumers and our constituents.

"Another problem I have with this is, this is just not the time. This has been a horrible Session. We're now facing another \$1.2 billion shortfall. We have just passed a multitude of measures raising fees, raising taxes, and all I can ask is this: Is this the time for this bill? I submit that this is not the time for this bill.

"Finally, I think that the ones that would be most hurt by this bill will be the seniors. This bill is really about changing people's behaviors, and I submit that I have done that. Because when I go to stores which actually provide me with a discount for every bag I bring in, a reusable bag, they'll

give me a 5 cent credit. I submit that's the way to go. We should be incentivizing these retailers to that type of program as opposed to instituting this 10 cents surcharge. Essentially what we're doing is we're taxing plastic bags now, and I just think at this point in time with the economy going the way that it is, this is just not the time for this bill. So for those reasons, Mr. Speaker, I stand in opposition."

Representative Yamane rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I would like the words of the Representative from Kapolei inserted as my own without the intensity and all the exclamation points. Thank you," and the Chair "so ordered." (By reference only.)

Representative Awana rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and that the remarks of Representatives Souki, Johanson and Har be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Awana's written remarks are as follows:

"Mr. Speaker, I rise in opposition. Food is a basic necessity. As we know, many are going without another necessity – shelter – but I will save those comments for another discussion. Transporting food with bags that were already paid by consumers through built in costs is unconscionable. The concern is our landfills, yet most in my district are in opposition to this measure. These are the constituents who carry the burden of the only solid municipal waste landfill. This landfill borders the fastest growing community in the State located in the most populous island.

"In addition, everyone I know recycles their plastic bags. Those in my office recycle bags. The carbon footprint to the eventual disposal of cotton bags is much larger than plastic. The small businesses – mom and pop shops will be burdened. This measure is short sighted, but I can foresee the impacts will be long range and hurting the most vulnerable. Thank you, Mr. Speaker."

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you very much, Mr. Speaker. May I have a ruling on potential conflict? We have retail outlets on Maui where we have a plastic bag ban. We have discontinued plastic bags, but there is potential for us to reinstitute that with this bill. Thank you very much, Mr. Speaker," and the Chair ruled, "no conflict."

Representative Yamashita continued to speak in support of the measure with reservations, stating:

"Please note my reservations. And my reservations are just from the standpoint that we are like others who have concerns about just raising the cost to our consumers. So that is my concern. Thank you."

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Please note my reservations. I'll submit the same concerns that the Representative from Upcountry Maui expressed. I'm also concerned about the two counties that have already banned the plastic bags. What's going to happen with that? Because one of the things that, I know at least on Maui the selling points was to ban the plastic bags and there was going to be an alternative. There was going to be paper bags. Now we're potentially going to go back to them and say, Okay, you can have paper bags, but now you're going to have to pay 10 cents, or 12 cents, or whatever for it. So I think that's going to be a hard pill to swallow in our communities. Thank you."

Representative Aquino rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Coffman rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of Senate Bill 1363. Thank you. Mr. Speaker, the support behind a 10 cent fee on a single-use checkout bag was amazing. Both the environmental community and the large grocery store industry have backed this bill.

"Mr. Speaker, according to a March 8th article in the *Honolulu Star-Advertiser* the people on Oahu alone use an estimated 300 million bags or more, annually. This is an unsustainable practice that will spoil our natural resources for generations to come. Some say that this isn't the time. I don't know when the time is ever to make the right decision.

"Mr. Speaker, the intent of this bill is not to simply collect fees from our citizens. The intent of this bill is to provide the incentive for our citizens to utilize reusable bags that will not pollute our lands and our waters. In cities, that has worked worldwide.

"Mr. Speaker, sometimes we need a little help when it comes to changing our behavior. It is time to help our citizens break the bad habit of using throwaway single-use bags and provide the incentive to utilize reusable bags. 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. 1363, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Awana, Cullen, Har, Johanson, Souki and Yamane voting no.

At 2:54 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1073, SD 2, HD 2
S.B. No. 1347, SD 1, HD 2
S.B. No. 1270, SD 2, HD 1
S.B. No. 723, SD 1, HD 2
S.B. No. 772, SD 2, HD 2
S.B. No. 1363, SD 2, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1585) recommending that S.B. No. 318, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 318, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like a ruling on a potential conflict. One of my law partners has been lobbying on this bill. Thank you," and the Chair ruled, "no conflict."

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 S.B. No. 318, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1586) recommending that S.B. No. 753, 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. 753, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1587) recommending that S.B. No. 1154, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1154, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Hanohano rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This bill relates to the historic preservation of the South Kona Wilderness Area on the Island of Hawai'i. This measure was not referred to the Committee on Hawaiian Affairs which is tasked to examine public lands and historic preservation."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you. Let me just quote to you from a testimony of Jim Case submitted to the Senate.

The area covered by this bill contains within it some of the best preserved remnants of Hawaiian history. For example, there is Holua Slide, which is quite well preserved. Probably the best example in all Hawaii. The old King's Highway courses through the entire area. The smooth stones are well preserved, and in many places the highway is still the best way to travel over the raw lava.

There are many foundations of ancient Hawaiian house sites, an ancient well still exists. The Hawaiian community existed at Honomalino Bay, Okoe Bay, Kapua Bay, and Manuka. The Reverend William Ellis circled the island of Hawaii in 1824 and wrote about these communities in his book about his trip on foot around the island. This bill would preserve one of the few remaining examples of ancient Hawaiian culture.

"I urge your support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1154, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1588) recommending that S.B. No. 883, SD 2, HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 883, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. Thank you. This measure is the companion to the House Bill No. 1 which I introduced this Session and both bills, House Bill No. 1 and Senate Bill No. 883 seek to designate a new, special design gold star family plate for children, parents, grandparents, spouses, and siblings of fallen service members.

"The gold star legacy is part of the traditions of our country which trace back to World War I when an Army Captain, Robert Queisser of the 5th Ohio Infantry created the flags to honor his two sons serving on the front lines in 1917.

"The flags were quickly adopted by families with sons in the army. With President Wilson's support, the Council of National Defenses proposed permitting mothers who had lost children serving in the war to wear a gold star on the black armband while in mourning. The black armband was exchanged for a small flag and the gold star was outlined in a thin blue outline signifying that the service member had died in battle.

"What better way to honor the lives of all our fallen warriors so that they will never be forgotten. This Body has a remarkable record of supporting the Hawaii service members and their families. And as mentioned prior, in 2005 we created the Hawaii Medal of Honor.

"I'd like to share with you an excerpt from testimony submitted by one of the recipients of the Hawaii Medal this year. This is from United States Army Lieutenant Colonel retired Patrick B. Collins, a three time combat veteran and a gold star father. His son, United States Corporal Patrick Collins was inducted into the Hawaii Medal of Honor this past March and he wrote, and I quote:

I've always stayed from personalized license plates designating myself as a combat veteran because that is a personal identification that didn't need to be made. However the opportunity to have a gold star plate provides me the chance to honor my son's sacrifice, and I appreciate the opportunity to do so. My son did not live long enough to ever own his own vehicle and having the ability to put a gold star plate on my vehicle representing his service presents a unique chance in my mind to honor my son's sacrifice and give him the opportunity of driving down a freeway.

"The very essence of our freedom, to live in a free society, is the direct result of the bravery by those whose heroic acts and deeds this license plate honors. While a medal or a license plate can't take away the pain of losing a loved one, it shows that Hawaii will never forget them. The single most important aspect of the adoption of Senate Bill 883 will be that this Body declares that the gold star license plate represents a life that has been lost, and it also reminds everyone that freedom is not free. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I would just like the words of the previous speaker entered into the record as if they were my own. And I also would like to take this chance to publicly, to thank the Chair of Public Safety and Military Affairs for his very hard work on this measure, working with the City and County, the DMVs, and everybody else to make this a reality. Thank you."

Representative Cullen rose in support of the measure and asked that the remarks of Representative Takai be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of 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.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1589) recommending that S.B. No. 244, 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. 244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1591) recommending that S.B. No. 806, SD 1, 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. 806, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1593) recommending that S.B. No. 2, SD 2, 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. 2, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND," passed Third Reading by a vote of 51 ayes.

At 3:01 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 318, SD 2, HD 2
S.B. No. 753, SD 2, HD 2
S.B. No. 1154, SD 2, HD 1
S.B. No. 883, SD 2, HD 1
S.B. No. 244, HD 1
S.B. No. 806, SD 1, HD 2
S.B. No. 2, SD 2, HD 1

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1594) recommending that S.B. No. 573, 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. 573, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1595) recommending that S.B. No. 333, SD 3, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 333, SD 3, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support for this measure which seeks to preserve Hawaii's unique architectural history. Heritage and historic preservation efforts are important especially as APEC nears. We know that places like Charleston; San Francisco; Athens, Greece; Rome, Italy; Paris, France, all hold the attraction over time. Come recession, or come a boom economy, these places, particularly Charleston in the United States, do very well in the tourism industry.

"I believe architecture is in fact the largest, most utilized, most recognizable form of art in all of our daily lives. You may see art on a wall, but everyone drives past certain avenues. We've witnessed countless opportunities to showcase the diversity of the monumental structure and aesthetically beautiful Hawaii and the truth is that the built environment is arguably as important as a natural environment to the tourist.

"My colleagues, this is an opportunity to rise and I'm thankful for this help of the history of Hawaii because together by passing this measure we protect the indispensable avenue for tourism. It's encouraging, this initiative, for the betterment of our State.

"The reason I support historic preservation, and again believe that it is deserving of significant recognition has to do with page 1 here. That we find that as we begin to compete economically in the Pacific Basin, we are beginning to realize that much of our strength lies in our own uniqueness. Those factors that provide us with a distinct advantage over our competitors and that is our heritage, and our architecture reflects that.

"There's a temple in my district, the Liliha Shingon Temple that as was explained by Lorraine Minatoishi Palumbo, an expert on Japanese temples, who will be coming out with a film and a book soon, that it's the unique blend. You will never find this kind of temple in Japan, and you will never find it on the mainland USA, because it's again, always the blend that

Hawaii has that unique ability to blend. And so it is a unique piece of architecture throughout the world, according to Lorraine.

"And so once again I express my strong support for this measure, and my gratitude for this measure. And additional written comments. Thank you, Mr. Speaker."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of SB 333. As a lead advocate for heritage and historic preservation efforts, I believe architecture is in fact the largest, most utilized, most recognizable form of art in our daily lives. I have witnessed countless opportunities to showcase the diversity of the monumental, the structural and aesthetically beautiful Hawaii.

"The historic, cultural and natural resources of Hawai'i are a great legacy and irreplaceable treasures. Each of the sites is an important icon for Hawai'i residents and visitors, adding to the enjoyment, education, and understanding of Hawaii's history and inspiration for the future.

"Ultimately, this bill is an investment in Hawaii's economy and its future by preserving its past while instilling pride in residents and educating visitors in the present.

"This bill benefits Hawai'i's economy in the short-term by providing jobs. It also benefits Hawai'i's economy in the long term by making Hawai'i a better, more competitive destination for business, relaxation, and especially cultural enrichment. And it benefits Hawai'i overall by reinforcing cultural connections and preserving elements of the past that are a source of pride and identity for our people. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 333, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1596) recommending that S.B. No. 986, SD 2, HD 2, as amended in HD 3, 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. 986, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1597) recommending that S.B. No. 1290, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1290, SD 1, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Awana rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like to request a ruling on a potential conflict. I am a homestead lessee. 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 S.B. No. 1290, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1598) recommending that S.B. No. 1520, SD 2, HD 2, as amended in HD 3, 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. 1520, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1599) recommending that S.B. No. 1269, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1269, SD 2, HD 2, pass Third Reading, seconded by Representative Evans.

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

At 3:05 o'clock p.m. Representative Choy requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:14 o'clock p.m. with the Speaker presiding.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1269, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF COMPENSATION FOR PURPOSES OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

At 3:15 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 573, SD 2, HD 2
S.B. No. 333, SD 3, HD 2
S.B. No. 986, SD 2, HD 3
S.B. No. 1290, SD 1, HD 2
S.B. No. 1520, SD 2, HD 3
S.B. No. 1269, SD 2, HD 2

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1600) recommending that S.B. No. 1095, SD 1, 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. 1095, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1601) recommending that S.B. No. 1055, SD 1, 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. 1055, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1602) recommending that S.B. No. 1062, SD 1, 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. 1062, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1603) recommending that S.B. No. 1061, SD 1, 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. 1061, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 51 ayes.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1604) recommending that S.B. No. 1083, SD 1, as amended in HD 1, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1083, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Har rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations and can I just make some brief comments, please. Mr. Speaker, as this Body knows, public employee unions generally have two year agreements, and yet this particular bill deals with the University of Hawaii Professional Assembly. And as this Body recalls, under the Lingle Administration the UHPA actually got an unprecedented six year contract.

"To the best of my recollection in the terms of that contract, in the first two years UHPA did not get any pay raises. Then in the subsequent years they would begin to take pay raises. It is my understanding now we're in the third year of that contract. So the fact of the matter is UHPA members are now getting a pay raise when all other public employee union members are taking pay cuts.

"So yes, the argument can be made that this particular union had great negotiators on their behalf and yes, kudos to them. But the fact of the matter again is this. Everybody is taking pay cuts and the University of Hawaii Professional Assembly is not.

"One further comment. When this bill came up, I asked the Deputy Director of Finance if he knew what the numbers were because the contract was set. Where are they? They should be in here. We should be able to finish this particular bill. We should know the numbers. And they were not able to provide them. So for those reasons, I stand with reservations. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations. I'd like the powerful words of the previous speaker entered in the record as if they were my own."

Representative Ward rose and stated:

"Mr. Speaker, the last speaker brought to mind a question of the most favored nation. If in effect it's such a darling agreement, does that mean it's going to go around the loop with all the other unions? And I'm not sure the previous speaker would answer that question. But if anybody knows it, I certainly will put it on the Floor."

The Chair addressed Representative Ward, stating:

"At this time, I believe none of us know what the negotiations are like."

Representative Ward: "Most favored nation is a big dollars sign. Thank you."

Representative Pine rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just wanted to reveal a potential conflict. I do have a family member that I believe is in the University of Hawaii System. Thank you," and the Chair ruled, "no conflict."

Representative Awana rose in support of the measure with reservations and asked that the remarks of Representative Har 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. 1083, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading by a vote of 51 ayes.

At 3:19 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1095, SD 1, HD 1
S.B. No. 1055, SD 1, HD 1
S.B. No. 1062, SD 1, HD 1
S.B. No. 1061, SD 1, HD 1
S.B. No. 1083, SD 1, HD 1

THIRD READING

S.B. No. 1260, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1260, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE," passed Third Reading by a vote of 51 ayes.

S.B. No. 1271, HD 1:

Representative B. Oshiro moved that S.B. No. 1271, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, with reservations and brief comments. My only qualm with this particular bill is, if Members look on page 3, in the particular criteria that notes how the notice should be given. Because there is an 'or' in here, and I think it gives a little too wide of a latitude and discretion to the Executive Branch and I worry that it may reduce transparency ultimately. So for those reasons, I'll be voting with reservations on this measure. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC NOTICES FOR THE EXPENDITURE CEILING AND THE AWARDING OF GRANTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1285, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1285, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Third Reading by a vote of 51 ayes.

S.B. No. 1288, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1288, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Third Reading by a vote of 51 ayes.

S.B. No. 199, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 199, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading

by a vote of 49 ayes to 2 noes, with Representatives Belatti and Takai voting no.

S.B. No. 570, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 570, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I am in opposition to this measure. One of the things that this bill does is it imposes a tax on pensions and pension income. I realize that the Senate took the pensions out of their bill that they were dealing with, but it lives on in this measure. Earlier I was rejoicing because they had taken it out. But then it dawns on me that it is still alive as an issue.

"Our senior citizens are very apprehensive, and all those that are planning their futures are nervous. Military retirees are very wary. This bill will disrupt their financial planning and pull the rug out from under their lives. The Legislature had seen the language of this measure in many forms since Governor Abercrombie first introduced his plan to tax pensions in his State of the State Address. When this Body first entertained the idea of taxing pensions, it was suggested that we tax individuals with an adjusted gross income as low as \$37,500. At the time, I called the idea almost cruel.

"Today the measure before us taxes pensions at the threshold of \$100,000 and higher to make the bill more palatable to retirees. However my concerns remain the same and they're best stated in the testimony provided by Mrs. Barbara Kim Stanton of AARP, the American Association of Retired Persons. She said that this bill could be a foot in the door that will lead to taxing pensions of seniors at moderate and lower income levels sooner rather than later. If we pass this measure today, we will have our foot in the door to start taxing the pensions of all our seniors. We may end up taxing pensions at \$10,000 or \$5,000 or maybe at no threshold at all. If we return to the Governor's original proposal of \$37,500, it will be harmful to our low income seniors.

"The House Finance Committee has even considered a proposal to tax a minimum amount of each pension to avoid an unattractive feature of this bill, the income trigger. In other words, in this bill, those who make \$99,999 are safe from pension taxation. But should they make one dollar more, their pensions are taxed. The person making \$100,000 will realize less income after taxes, then the person making one dollar less.

"Mr. Speaker, my point is that the fluidity of this measure is disconcerting. As I said before, seniors are quaking in their boots. I understand that the pension bill we sent to the Senate was modified to tax pensions of \$100,000, not adjusted gross incomes of \$100,000 which is our version. And then it was stripped. Very few people have such large pensions as \$100,000, but with the income and pension figures wildly fluctuating, seniors don't know what to expect. They are at the mercy of the Conference Committee, and we all know that those who've voted no on these bills are not allowed to serve on Conference. So since I've been voting no against a tax on pensions I will not be able to weigh in on this measure. Only those who have voted yes on this bill will be selected.

"Will the income trigger go up or down? Will the \$100,000 go up or down? Will only \$100,000-plus pensions be taxed? Will the first X amount of every pension get taxed? Where this elevator stops, nobody knows. This situation gives retirees absolutely no assurance of safety. For this reason and for many others, I ask the Conference Committee to totally strip the pension tax out of this bill and any other bill. Join me in voting no on this and other measures. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you. Mr. Speaker. I rise to speak against the bill also. Mr. Speaker, there's also a very serious constitutional defect in the bill. Whether or not the constitutional challenge would be upheld no one could say. I can remember arguing the SuperFerry issue and going back and forth

and being assured by the Majority Party that the SuperFerry legislation wasn't special legislation, and we all know how that turned out.

"So on this, the Department of the Attorney General has stated that Part I of the proposed House Draft 1 could be the subject of a constitutional legal attack. Should this bill become law in this proposed form it could be challenged and the outcome would not be certain. It could take years to litigate the issue through the Hawaii Court System and subject the State to refund lawsuits if the bill is found unconstitutional. At the least it should be made prospective, but the better way to deal with this is to just strip the pension tax out of the bill. And given our track record on other measures, no one would feel secure that their pension would be safe because I'm sure that future Legislatures would dip down further, further, and further until every pension is taxed by this Body. Thank you."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. With serious reservations. I am opposed to the Part II the pension portion. However this bill as noted, has several other parts that are very important for us and our overall financial plan. So because of that case, I will be going with reservations because these other parts of the bill that need to move forward to Conference. However, I am opposed to Part II. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I also rise in opposition of this measure. And with all that's been said, I won't repeat it, but I will state my position, that it's a promise made, a promise kept. People have lived their lives already, most of the majority of their lives, and made decisions based on expectation. Thank you."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise also in opposition. In addition to promises made and promises broken, in addition to the legal arguments, in addition to the slippery slope, there's one more argument, Mr. Speaker, which I would proffer to enter into the Journal and that's the military argument.

"Mr. Speaker, the military will be hit big time by this bill. There are 33 states that deal specifically with military pensions. I think people have gotten misinformation about taxes on military pensions. But they put it in a special category. We of course are putting into a special category called, we are going to tax your pension. Let's look at the numbers though, Mr. Speaker.

"Do we really know what the military's doing for the State of Hawaii. Let's take for example our biggest industry, tourism. If you add up military spending, defense contractor spending, and federal spending in 2008, it was \$13.5 billion. That same year, tourism was \$12.8 billion. It's really our biggest industry.

"If we look at some of the other additions that they've added to our State economy, \$4,740 per person per capita is the third ranking in the United States behind Virginia and Alaska in terms of spending. We're the 'apple of the eye' of the DOD. And according to the 2000 US Census, Hawaii topped all states for volunteer military personnel. 4.5% of our population. These are the people we're going to repay for their patriotism when they come back. Every major defense contractor has local staff and spending over \$2 billion annually since 2002. Pearl Harbor is literally the largest industrial employer in Hawaii. The Pacific Missile Range is the largest multi-environment military range in the world and these are our local residents who work at those places, and who are going to retire and whose pensions we are going to tax. And let us not forget the Coast Guard. They have in 2006 conducted more than 1,200 search and rescue missions, saving 409 lives, \$3.8 million in property being secured. Again, these are local residents.

"The bottom line, Mr. Speaker, you take away the military. Take away the military spending and we become a third world country. Look at the numbers. Do the math. One third of our economy is tourism. One third is federal spending. And one third is other. If you take away that one third,

we become a mediocre visitor destination. Without the military we are not who we think that we are.

"The bottom line is this. Let's remember in a town hall meeting that Representative Marumoto had a few weeks ago. There were about a hundred people in a room and I asked, 'How many of you have served in the military?' Probably about 10% raised their hand. I said, 'Was that an important decision for you to retire in Hawaii?' Another 100% of those 10% raised their hands.

"Mr. Speaker, we have been a haven. We have benefitted militarily by those who are on active duty. Those who are off duty, and to do this pension for the military is to take what otherwise has been spoken by my colleagues about the *kupuna*, about the legal arguments, about a pension tax, that heretofore has not been considered in these more difficult times. It's something that's not needed. Our colleagues in the Senate have just kicked it out of the bill. Mr. Speaker, the best thing to do is that we also do the same. Throw it under the bus. Get rid of it. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, there are several key parts in this bill and I'm going to cover several that have not been touched upon, but Members need to understand are in this current draft.

"In Part IV of the bill there is a temporary cap on the amount of itemized deductions that may be claimed by a tax payer at \$50,000. \$50,000 of deductions is a lot of money, Mr. Speaker and I doubt that many of the Members in this Chamber or even those listening in have itemized deductions in that amount of \$50,000. And that applies in the case of a joint return with an adjusted gross income of \$200,000. It goes down to \$37,500 in the case of a head of household with adjusted gross income of over \$150,000, and then \$25,000 for an individual with again, an adjusted gross income over \$100,000. So that's in Part IV of the bill.

"It's important for Members to know, Mr. Speaker, that that particular element of this bill means \$22.4 million for fiscal year '12 through fiscal year '15. That will weigh in and help us address the \$1.3 billion shortfall we are facing over the two years, and the current shortfall that we all need to address. It will also impact approximately 22,700 returns or 3.8% of the tax payers. So that's Part IV of this measure regarding the cap on the itemized deductions. \$22.4 million.

"Part V of the bill will delay the standard deduction and personal exemption that was increased under Act 60 two years ago in 2009. Also it makes the increases permanent. The revenue gain for those two components is \$8.3 million per year for fiscal year '12. For fiscal year '13, a loss of \$8.3 million. And fiscal year '14, \$8.3 million thereafter. So in general, it's about a \$30 million impact, or \$22 million impact going out after fiscal year '12 on just those two components.

"A couple of points need to be made on the pension issue here. The revenue that the State will receive, about \$17 million, is derived from approximately 4,000 tax filers or 0.7% of total resident returns. That's less than 1%, Mr. Speaker. It kicks off at a very high level for a couple having \$200,000 or more in joint returns, or a head of household \$150,000, or a single at \$100,000, Mr. Speaker.

"It's a very modest amount, but it does a lot of good for the general public, so I hope that Members can see that. Understand the enormous importance of this measure. Not only as a matter of fairness and equity, but as a matter of balancing the budget and addressing this \$1.3 billion shortfall and taking care of the needs of our school kids, the needs of our community hospitals, and those weakest and poorest among us. Thank you, Mr. Speaker."

Representative Ichiyama rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with strong reservations. I understand that this measure is a part of the Governor's package in addressing our shortfall of \$1.2 billion over the next two years, but I also feel it is an additional burden on our senior population. The House proposal did raise the threshold levels, for example from \$75,000 to \$200,000 AGI filing jointly, but I am still concerned that these amounts are too low.

"One of the fundamental principles of taxation policy is the balanced treatment of different types of income. I acknowledge the need to include pension income in some form of tax scheme as a matter of evenhandedness, as other types of retirement income like 401(k)s are currently taxed. I would suggest, however, that in these difficult economic times we consider raising the thresholds so that fewer families will be impacted.

"I am also concerned about the elimination of the deduction for State taxes paid for taxpayers with income above specified thresholds. I would suggest that these threshold levels could be raised higher so that fewer families will be affected. In these difficult economic times, taking away this deduction will make it even harder for our local families to make ends meet. Thank you for the opportunity to speak with strong reservations."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. And it's reluctant support because you never want to be in the position of raising taxes on anyone. As an elected person, it's not something that they ever want to do. But it does seem to me that the pension question is a lot more murky than some would have us believe. Primarily because many kinds of retirement income are already taxed. Social Security is already taxed by the federal government for example.

"But it's done in a way that if you don't make a lot of money, you don't get taxed. And that's one reason why I believe in a progressive taxation system is those at the bottom end of the economic scale pay little or nothing. And as long as we craft the pension parts of this bill to make it consistent with the way that we tax other retirement income, I think it's unfortunate, but a fair way to do it, especially when you have people who work in the private sector who get 401ks or IRAs that I believe are both taxed already under State law. There is a fairness issue here about how we tax retirement income. Thank you."

Representative Har rose in support of the measure with reservations and asked that the remarks of Representative Thielen be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative M. Lee rose in support of the measure and asked that the remarks of Representatives M. Oshiro and Rhoads be entered into the Journal as her own, and 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 this measure which taxes pension incomes above \$100,000 for a single filer. Mr. Speaker, we have heard a lot of inflammatory conversation about this measure, but in reality it is a measure that would affect only 1 to 3% of the population and give back \$17 million in revenue.

"It is true that persons who have IRA's, 401K's and other retirement vehicles are taxed, so in many ways this bill is about fairness. Both military and government pensions at this high level should be taxed.

"This bill has a way to go and needs some adjustments and clarifications, yet it is something that is done by a great majority of the states. The opponents should consider that it is often pensioners who need and use such services as Kupuna Care, and who will eventually enter the Medicaid benefit for long-term care.

"The Governor has said everyone needs to help. High-level pensioners are among those who should be asked to help and many are willing to do just that."

The motion was put to vote by the Chair and carried, and S.B. No. 570, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 28 ayes to 23 noes, with Representatives Belatti, Brower, Carroll, Ching, Cullen, Fontaine, Hanohano, Hashem, Johanson, Keith-Agaran, C. Lee, Luke, Marumoto, Morikawa, Nakashima, Nishimoto, Pine, Riviere, Saiki, Takai, Thielen, Ward and Wooley voting no.

At 3:38 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 1260, SD 1
S.B. No. 1271, HD 1
S.B. No. 1285, SD 2, HD 1
S.B. No. 1288, SD 1, HD 1
S.B. No. 199, SD 2, HD 1
S.B. No. 570, SD 2, HD 1

S.B. No. 756, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 756, SD 2, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I rise in opposition to this measure. What this does is basically tax DirecTV and Dish Network to try to level the playing field with Time Warner Cable. It's trying to do that and trying to compare apples with apples when actually, we're comparing apples to oranges.

"Time Warner has to pay the PUC regulation fees because their cable crosses roadways and streets and public areas whereas the satellite technology is able to deliver directly into the homes of the consumers without having to use wiring or land based systems other than the satellite dish mounted on a person's home.

"So I don't think it's fair because one industry utilizes one sort of technology, that we are singling out a specific industry and trying to level the playing field from the government's perspective where we should allow free competition to occur and allow these companies to continue to provide services and to be competitive with Time Warner. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 756, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Fontaine, Pine, Thielen and Ward voting no.

S.B. No. 831, SD 2, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 831, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 1186, SD 2, HD 1:

Representative B. Oshiro moved that S.B. No. 1186, SD 2, HD 1, pass Third Reading, 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."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Kawakami rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching 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."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fontaine 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 S.B. No. 1186, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Awana, Belatti, Brower, Marumoto, Pine and Ward voting no.

S.B. No. 1356, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 1356, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 120, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 120, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations because of the taking of money from the Land Conservation Fund and the Tobacco Settlement Fund. Thank you."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. With reservations on a couple of items on this bill. And I understand why we need the funds. We need to balance the budget. But I am concerned about some of the transfers of funds. Some of them include the School Food Service Special Fund of \$3 million, and the Mental Health and Substance Abuse Special Fund of \$2 million, and the neural trauma funds that we provided some legislation for in case someone has some accident.

"So I'm concerned with those items, and if you can find the wisdom and wherewithal to resolve that and replace those fund transfers, I would be very happy. Thank you, very much."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, 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 S.B. No. 120, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Takai voting no.

At 3:44 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 756, SD 2, HD 1
S.B. No. 831, SD 2, HD 1
S.B. No. 1186, SD 2, HD 1
S.B. No. 1356, SD 1, HD 1
S.B. No. 120, SD 1, HD 1

At 3:44 o'clock p.m. Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:45 o'clock p.m. with Vice Speaker Manahan presiding.

S.B. No. 754, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 754, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 754. I recognize our State's current fiscal situation and believe it is our duty as a legislative body to make critical decisions to meet our constitutional obligations to balance the budget. I am deeply concerned that this measure will very negatively impact the availability of local jobs for our local workers. This bill increases the cost of doing business in Hawaii and removes necessary tax exemptions that the construction and building industries need in order to survive. By removing these tax exemptions in the short-term to generate revenue to balance one fiscal year's budget, we may be delaying our State's economy recovery and creating larger economic and fiscal problems for the State in the future."

Representative Cullen rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, with reservations. Again a caveat, It's no secret that I would have preferred and increase in the excise tax, however it's the will of the House that we don't do it. So we have this temporary suspension of excise taxes. The concern I have is that how some of these may affect the labor market, the housing costs, especially the exemption on subcontractors. And the exemption on airlines may cost us jobs.

"Years back when I was the Speaker, back then we provided some assistance to Continental Airlines so they would come in and do all their repairs here in Hawaii, in Honolulu. And for a number of years, that's what they have been doing. This temporary exemption for the airlines would injure that capability that they have now. In fact, there have been some discussions that they'll probably or they might move back to the mainland. That's Continental Airlines.

"Being a Neighbor Islander, it also will affect Hawaiian Airlines and other airlines that do business between the interisland routes. It's expected to affect Hawaiian Airlines by \$25 million. Now how that would affect the airfares, I don't know. It's already high, and probably it's going to be passed on to the consumer at some point in time.

"So there are other concerns I have with this bill. Again I applaud the Finance Committee for finding the money and the wherewithal so that we can balance the budget. But I only wish that we had looked at it on a broader scale and not on this nitpicking that we did this past Session. Thank you, very much."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to request a ruling on a potential conflict. I have contractors in the family. Thank you," and the Chair ruled, "no conflict."

Representative Thielen continued to speak in opposition to the measure, stating:

"Mr. Speaker, I rise to speak against the bill. Thank you. And Mr. Speaker, I have to say I oppose the bill for many of the reasons enunciated by Speaker Emeritus. He has a great deal of knowledge and experience in this area. I think the bill can be more detrimental to our recovery than it would be to help us put a little bit of money into the budget. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this measure and I think that I have a little different stance than Speaker Emeritus. He had said he prefers an excise tax increase rather than this bill. Well I think this bill is a little more preferable than an increase in the excise tax which I think would be very harmful. I term this as, 'a lesser of the evils.' I am voting for this measure because I feel we have to make up and we have to pass a balanced budget.

"But I want to point out the fact that subleases will be taxed at the four percent rate, and in Honolulu that is four and a half percent. And this affects all house rent, all retail stores that lease and sublease, and sub-sublease. All offices that do the same. There are a whole lot of people out there who don't know that this is coming down the pike, and their rents are going to be a lot more expensive every single month. So I vote for this with a great deal of trepidation with reservations. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, in opposition. I did want to support this bill originally because I believe that it's time that we look at our tax structure and look at those exemptions that perhaps are no longer needed for the time. And I do believe that many exemptions should be eliminated and we did include that in the House Minority Budget.

"Unfortunately we have to vote on the bill that's before us, and it has been mentioned that some double taxation will occur, especially in subcontractor area. So it's my hope as we go through this in the final version in Conference Committee that we can maybe somehow be able to vote on these different measures separately."

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 of SB 754. It should be remembered that many of the exemptions exist because if the general excise or use tax were imposed on these entities or transactions, it would impose an undue burden or cause businesses to structure transactions in an inefficient manner. There are those exemptions that exist because to tax the transaction would be a violation of superior law or maybe deemed unconstitutional.

"Other deductions, exclusions and exemptions exist because they help to reduce the pyramiding effect of the general excise tax. It should be remembered that any imposition of tax will not only result in the increase in the cost of doing business in Hawaii, but may create inequitable taxing situations that were addressed by the specific general excise tax exemption. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Again, this is part of our plan to address the \$1.3 billion shortfall. While it may seem that we are picking on certain industries or people, I think it is the exact opposite. We are making sure that those who do not pay, pay like everybody else. Thank you."

Representative Morikawa rose in support of the measure with reservations and asked that the remarks of Representative Souki be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? I am an owner of a small business where I'm a sublessee in Kalihi. And I'm also an officer of another business in Mapunapuna, which is Tokyo Bento. I am an officer and not the President who operates the business. Just an officer," and the Chair ruled, "no conflict."

Representative Say continued to speak in support of the measure, stating:

"I'm willing to sacrifice the repeal of this particular exemption for two years. Thank you, very much."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, in the Hippocratic Oath that I've been referring to today, you do no harm to families. You don't increase the cost of living as we've already done today. Driving is more expensive. Being a senior is more expensive now."

"Second part of do no harm to our jobs. In this bill we've got subcontractors, renovators, airline tickets."

"And most importantly, the third part of the Hippocratic Oath is do no harm to the economy. Mr. Speaker, this is robust and as the gentleman said earlier, that this is going to help us close our budget gap. But you can close a budget gap by blowing a hole in the economy by stalling it."

"And as I've spoken previously on this Floor, what does stalling the economy look like? Let us all rewind to September 2008, an abrupt stoppage of investment. Abrupt flow of goods and services. And those who have the money, holding on to it because they are so afraid that nothing out there is secure. So, Mr. Speaker, what messages we're sending here today is going to stall the economy. Those people who should be hiring more people will hold on to that investment capital because we taxed them all the more and made it all more certain regarding their future. And then we go into a tailspin."

"Now, how can I say this with such confidence? If we go to the Hawaii State Budget Online, www.hawaiistatebudgetonline it's all the choices that everybody in this Chamber has to look at what the Governor proposed, what the House proposed, what the Senate is proposing, we're proposing. These taxes are not necessary in this bill. Look at the data, look at the numbers, and let's not do harm to our family, our jobs, and particularly stalling our economy, which is already sputtering. Thank you, Mr. Speaker."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Unfortunately, it seems to me like this is very much a zero sum game, because if we don't raise taxes and preserve the State programs and jobs that the tax increases support, that also hurts the

economy. I think the mistake in the argument of the previous speaker is that only private sector jobs, only private sector investment are worth anything. And that's simply not true."

"Public sector jobs. Public employees spend their money just like everybody else. Investments we make in infrastructure at the State level are very important to the economy functioning well, and there's no data or any indication that somehow government economic activity is any less effective at propelling an economy forward, if you have to choose one or the other, than not raising taxes."

"So it is kind of a Hobson's Choice because I think both will have a negative effect on somebody, but you know that's what they pay us the big bucks to do. It's to make Hobson's Choices. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"In support and written comments. But I'd also like to say that I also ascribe to the philosophy of first do no harm. And I think by voting on some of the measures we did today, we assure that some of the most vulnerable people will not be harmed. Thank you, very much."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in favor of this measure which temporarily suspends the exemption from the general excise tax from certain persons and corporations. The exemptions would be suspended for 2 years at 4%. This is an essential element of the House Financial Plan, and is a matter of fairness as some entities have enjoyed this exemption for many years."

"During this period of financial crisis, everyone needs to help. Entities such as these would be helping the state to recover from the deficit, and also be a factor in avoiding an increase in the GET. I urge the Members' support."

Representative Choy rose to speak in support of the measure, stating:

"Mr. Speaker, I'd just like to read this one sentence: 'The code is also patently unfair as many of the deductions and preferences in the system which serve to narrow the tax base are mainly used by a relatively small class of mostly higher income individuals.' This is for the feds. 'Washington should not be in the business of picking winners and losers.'"

"This particular statement in the pro-growth tax reform of the Path to Prosperity from the <http://www.gop.gov/budget> embodies what I see in this particular bill. What we're doing here is we're restoring the tax base. We're taking special interest out, and we're representing the ordinary people. What we're doing here is the first step to a pro-growth tax reform. That's what I feel. So I stand in strong support of this particular measure as the first step. Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"Just in rebuttal, Mr. Speaker. As I mentioned earlier, I do believe we need to look at our tax structure and make it fair, but no other state in the nation has a general excise tax. And as the previous speaker knows very well, it's very different when we talk about the federal government and the Path to Prosperity that was presented by the Republicans in the US Congress who believe that all these tax credits should be eliminated. No one should have preferential treatment over the other."

"But unfortunately with our very unique tax structure, the general excise tax has the ability of taxing, and then taxing again, and then taxing again with every different part of business that works together. And so it's estimated in some cases that the general excise tax can make a product cost between 18% and 20% more than it really should. And so while I agree with a lot of the statements of the previous speaker, and I do agree with a lot of the eliminations of tax deductions in this bill, we really should not compare our tax structure to the federal or any other states tax structure."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"I may have a potential conflict, Mr. Speaker. I'm a lessee of residential properties," and the Chair ruled, "no conflict."

Representative Cabanilla continued to speak in support of the measure, stating:

"And I'm in support of this bill. Thank you."

Representative Souki rose to respond, stating:

"Yes, Mr. Speaker. My second time. And again, I'm not opposed to what has happened. I understand. I would prefer to have again a broader tax. However Members here must understand this. In the past two or three years we've made many draconian cuts and I believe over 200 positions or more have been cut in these past few years.

"This year in trying to resolve the budget with the Senate, we may face another major cut into the 'bone and marrow' of the State departments. So what will that mean to the State and to the community as the quality of life deteriorates when we don't have enough staff to take care of the dengue fever mosquito problem? We don't have enough public health nurses to go into the community. Our classes are increasing in size because we don't have enough money, so every year the class size increases. The University continues to deteriorate, their facilities, and not having enough classes.

"All this is happening before our eyes, and what we're talking about is not raising taxes. Watch out for the money. Think of what we've done in the past, and what we're going to be doing before this Session is over. We're going to be further lowering the quality and standard of life for the people in the State of Hawaii. Those who receive mental health services, Medicaid services, Head Start services. All of this is all going to be hurt and we are doing nothing about it. So I ask you to think about this. Thank you, very much."

Representative Ward rose to respond, stating:

"Mr. Speaker. A brief rebuttal and a few additional comments. Mr. Speaker, lest we forget where the money comes from. The private sector hires 85% of the people. Government is not where it's at. We're the ones who live off of them. So when we say we're running short of money, it's because those in the private sector who produce the money are having a hard time vis-à-vis the regulation.

"I think the saying is best put this way. We do not have a deficit because we don't tax people enough as the Representative from Chinatown suggested. We're in trouble if we don't tax people. We have a deficit because we spend too much. Smart government, right-sizing government is what the people out there are asking us for. Cut spending and make sure that there's enough money to go around, Mr. Speaker. That's really where the issue is at.

"Let's not forget. We're not the third world where government hires 40, 50, 60% of the people, and runs all of the industries and distributes the sugar and like in Gaddafi's place. He gives gas at 7 cents a gallon. Government is not the center of American life. But in Hawaii, you would think that government is the beginning and the end of everything. Mr. Speaker, that's not true. It's deceptive.

"And let us not forget that the economy runs on liquidity. Liquidity means people spending money and keeping that pump primed, and keeping the small, the big, and everybody confident that if they spend they're going to have enough money for tomorrow. Right now we have scared the daylight out of those people who got the money to do investments, and without investment, there's no jobs. And the more that we tax and we send signals from this Floor, the more those people are going to hold on to their investment money and there's not going to be any jobs.

"So it's not, 'they're right, we're wrong,' or 'we're right and they're wrong.' We just got to see both sides of the equation that's why there's an adversarial two party system so we just don't hear one side, but you see both sides of it. Because what's prospered this nation is the private sector. We're not a great nation, we're not an exceptional people because of government. We're an exceptional nation because of the people who

occupy this nation. The 'can do' spirit. The innovative. The creative. The ones who from poverty built the greatest and strongest nation in the world, which we may be slipping away because we're relying upon our government instead of ourselves.

"Mr. Speaker, there's going to be a Tea Party on Friday, and those people are going to talk out against some of the things that we're doing but they're talking about some of the fundamental values of what we were as Americans in the beginning. So let us not praise at the altar of taxation, but get down to the basics that people want jobs and government is not the solution to creating jobs. It's part of the process of being the referee of making sure the game played in the marketplace of ideas that the marketplace where there's actual sales."

Representative Riviere rose to yield his time, and the Chair "so ordered."

Representative Ward continued, stating:

"Have I gone over 5 minutes? Mr. Speaker, in conclusion, the genius of the American people is the American people and not the American government. It's our job. Our business is governance. We have to govern wisely with what resources we have. And we can't complain every time that there's not enough resources to tell our people to 'eat more cake.' Give us more taxes. If we want to go to the European model in which way we're already heading that's fine and dandy. But there's some of us in this State, some of us in this nation saying that's not the American way. That's not the American model. That's not who we are.

"And, Mr. Speaker, I think if I look at the people of Hawaii who they are, they're a world class people. We're the center of ethnic mix. We're the center of intelligence. We're the center of all the things that the world together puts together in one place. One beautiful place blessed by God. We can do better than this. We can do more than just tax the people. Let's use our heads and just stop living off of our good looks. I think that's what Hawaii has got to get out, through, and above. With that Mr. Speaker, I rest my case. Thank you."

Representative Rhoads rose to respond, stating:

"Mr. Speaker. In support still. Mr. Speaker, I studied communism when I was in graduate school, and I'm very aware of the fact that if you ignore the free market, strange things happen because that's exactly what the Soviets tried to do. They tried to ignore the market. You can't ignore the market. But the market will also take into account, and investment will just as much stop coming into our State if our roads have so many potholes in them that you can't drive down without shaking your teeth out. If dengue fever takes the place over because the Vector Control Division has been cut. If you can't eat at a restaurant because you're afraid you're going to get food poisoning. If you are injured in your elevator as you go to your hotel room because there are no elevator inspectors in this State.

"The government and the private sector can work together to make and achieve prosperity. But if you shortchange one or the other to the extent that they don't function, that's when you have problems. This whole idea that government is the problem is just baloney. Government is part of the solution. Government is why the private sector can function. If you have a government that teams with the private sector that understands economics, then things will progress quite well. But if you downplay the government's role, you're asking for trouble.

"All you have to do is go to a country where the government doesn't function and you'll see what I'm talking about. Look at Somalia, or Afghanistan, or many places in the world where the government just doesn't function and you'll see that the economy's not doing so well either. Thank you, very much."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I wasn't really going to get up on this debate, but I think I will now. I wanted to reiterate, I rise in opposition mostly because of the subcontractors. I had a very good conversation with a subcontractor at a restaurant the other night, and he explained to me in

detail why this was going to be so destructive. And as Speaker Emeritus mentioned, those points I believe in and I believe are valid.

"I don't mean to be pontificating in any way, but I really see the world sometimes, as a classroom. I was at my favorite restaurant last night because we got out late. It's open until ten, thank goodness. It's my favorite because it has fresh chicken and fresh vegetables. And as I was leaving, they waved goodbye. I got there about 9 o'clock and five waitresses were leaving. My friend and I, and my daughter looked. God, did we get the timing wrong? No, no. It still closes at 10.

"What they were doing, Mr. Speaker, is they were flexible. They were adjusting, and they let those five waitresses go home early to be home with their children, hopefully. You know good moms. They're going to tuck in their kids, or spend time reading to them. So it's an efficient use of time. Because they had the flexibility to do so. So I feel that perhaps, I speak I don't know, but from this Caucus, the debate to me, I believe, yes that's why I ran for office, I do believe government is good, and it is a solution. But in the debate of free market ideas, we all know government can't be flexible.

"We know this from special funds. We know this from the budgeting process. I knew this when I was teaching at Maemae School. The whole section of funds. You can't touch. Sorry. Because it has regulation. So even though what I needed in my classroom was something outside of that fund, I can't use that money. They want me to continue to use the money for something I don't need it for.

"The difference between government and the private sector is that Chinese restaurant last night. The manager can say, 'Hey ladies. You want to go home? You can go home.' You can't do that that quickly. You can't adjust that quickly in government. And there is no accountability. At bad times, you can't let somebody who's not performing, go. And we know that, and there are nations who have said, 'What's wrong with you guys. You spend so much money. End of productivity.'

"The fact is that 70% of our surplus went to pay raises, right?"

The Chair addressed Representative Ching, stating:

"Representative Ching, we're on the exemptions."

Representative Ching: "Correct. And I'm just responding and adding to the Minority Leader's conversation in a rebuttal to my good friend, the Representative from Chinatown that I believe in government too. But I believe that everyone brings something special to the table. And I believe that everyone belongs at the table. And I believe that if all of something goes to only one son, and one son starves, you really do diminish the family.

"That son is the private sector. We do want to bring in more prosperity. I do believe that not always they should be held to OSHA standards and everything. I'm not saying that there should be *carte blanche*. What I'm saying is that there should be that invitation to have prosperity. And the private sector needs some help. I think so. So when we think about government, it does do some things very well, but there are other things that it just doesn't have the flexibility to react quick enough. Thank you."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, in support. One of the things that the Minority Leader said is that government doesn't pay taxes. Government employees pay taxes. And the cut back in services, I doubt that the people in Hawaii Kai notice it. I will tell you who notices it. The people I represent in Pahala, Naalehu, and South Point. Those are the people I represent. And those are the people who feel it and I'm going to make sure that they get a fair share if there's any chance that I can."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker, can I get a ruling on a potential conflict. At my law firm I represent subcontractors," and the Chair ruled, "no conflict."

At this time, Representative Har called for the previous question, stating:

"Mr. Speaker, on that note, may I call for the question, please. Thank you."

Representative Ward rose and stated:

"Mr. Speaker, a point of personal privilege."

The Chair addressed Representative Ward stating:

"You've already spoken twice."

Representative Ward: "I know, but I was not told that the people of Hawaii Kai do not know what's going on in the rest of this State, nor do they know that what it is like to live in other districts. That's a personal privilege."

Representative Herkes: "Point of order."

At 4:12 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvene at 4:14 o'clock p.m.

Representative Pine rose in opposition to the measure and asked that the remarks of Representative Ward 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 S.B. No. 754, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Brower, Ching, Fontaine, Johanson, Pine, Thielen and Ward voting no.

S.B. No. 778, SD 1, HD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 778, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

S.B. No. 741, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 741, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I think this is the last time I speak. I hope, anyway. I rise in opposition to this Senate Bill. Thank you, Mr. Speaker. That increases the liquor tax rate by 20%. And my main concern with this bill, besides the fact that it's bad timing with the tragedy in Japan and our tourism industry needing help.

"My main reason for supporting, well wanting to support Hawaii regional cuisine and the local restaurants that will be affected by this. Roy of Roy's Restaurant was one of our main founders of the Hawaii Regional Cuisine movement. He testified that this would be damaging. He would lose business. He would have to cut jobs, and potentially it would drive him and others in his industry out of business. We want to support those types of businesses, and to express sort of the relationship that so many things are interrelated in my mind.

"I don't think in terms of silos. I don't like silos. When you think of a silo, it's not too far away from being myopic, short sighted. So the thing is without Hawaii regional cuisine and restaurants, particularly Roy's and

some of the others, Alan Wong's, etc. who's going to buy that Waimanalo greens? Who's going to buy the Maui Gold pineapple? Who's going to buy the ag products that one of our goals is to have sustainability and to promote our agriculture. This is not good for tourism, and it's not good for agriculture. We can't afford to lose these valuable businesses. And if we let Roy's close his door, well, we'll not only lose the restaurant, we lose the jobs, the tourists, and the venue to showcase local agriculture. The very things that makes our State unique.

"And with those wonderful opportunities like APEC around the corner, we want to encourage our local businesses. We want them to flourish. We want them to shine come November. Thank you."

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? I'm an importer of Japanese wine," and the Chair ruled, "no conflict."

Representative Say continued to speak in support of the measure, stating:

"So I will support the measure, and the 20% increase."

Representative Cullen 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 S.B. No. 741, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 37 ayes to 14 noes, with Representatives Brower, Ching, Fontaine, Hanohano, Johanson, Luke, Marumoto, Morikawa, Nishimoto, Pine, Takai, Thielen, Ward and Wooley voting no.

S.B. No. 1006, SD 1, HD 1:

Representative B. Oshiro moved that S.B. No. 1006, SD 1, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Thielen rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"The Legislature should not establish regulatory standards for water quality. In 2009, the Hawaii State Legislature inappropriately waded into the administrative realm by establishing regulatory standards for water quality. This is a dangerous precedent and one that I oppose. I do not believe we should extend the sunset of Act 126. I believe this Body is not equipped to review and analyze conflicting scientific data.

"This legislation sets a dangerous precedent. If this action sets a precedent, we must remain vigilant that polluters do not use the Legislature as a vehicle to lower health standards through the political process."

Representative Pine rose to speak in opposition to the measure, stating:

"In opposition and written comments, and I'd like to use the words of the previous speaker's written comments as my own."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I am opposed to S.B. 1006 which, like H.B. 266, really lowers our State's water quality standards. Coming from Ewa Beach, I find that unacceptable.

"Although this bill would change some of the State's water quality standards to those of the EPA, such a change constitutes for us a step backwards since our standards in Hawaii are actually higher than those of the EPA's. This is as it should be: Hawaii's water quality should be different from the mainland's because we in Hawaii consume more fish

and sea food than any other state, and S.B. 1006 will negatively affect this important source of food for us here.

"As the State was trying to change its water quality standards, the EPA said, 'Well, before we approve your standards we want to see some real data on fish and the fish consumption and how that relates to the water quality in the population.' So in my opinion the ultimate effect of S.B. 1006 is to give the City an easy out for not maintaining the standards we should have.

"And in 2009 the EPA fined the City for putting untreated sewer water into Ewa Beach waters. As someone who surfs, canoe paddles, and swims, I find it totally unacceptable that the City would not want to improve its water standards. A thorough reading of the Sierra Club's testimony shows why Hawaii should have higher water quality standards than the national standard. Therefore Mr. Speaker, please record my "NO" vote against S.B. 1006."

Representative Johanson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative McKelvey rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Wooley rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict? At my law firm we represent the plaintiffs in some lawsuits against the City for water quality standards. Thank you," and the Chair ruled, "no conflict."

Representative Belatti rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative C. Lee 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 S.B. No. 1006, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ching, Hanohano, Pine, Thielen and Wooley voting no.

At 4:21 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 754, SD 1, HD 1
S.B. No. 778, SD 1, HD 1
S.B. No. 741, SD 1, HD 1
S.B. No. 1006, SD 1, HD 1

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker. I have an announcement about an upcoming budget event. Today we tried to do our best to do no harm to families, jobs, and the economy. We passed over 165 bills. A good percentage of these make the cost of drinking, driving, pensioning, you name it, a little bit more expensive. So while the cost of living has gone up, we need some budget balancing logic.

"What we have, and this is an invitation to everybody, I have a flyer that's going to be passed around to everyone. There's a budget summit that the Minority Caucus is sponsoring. Not just to listen to us and our budget that's online, but we are flying in two experts, budget experts from the American Legislative Exchange Council. For those of you who know the NCSL, this is the equivalent of it mostly on the other side of the aisle. But

it's where we will be talking about a budget toolkit which they have been bringing around the country.

"That is a budget summit next Wednesday on the 20th of April. That's at 10:00 a.m. in the Auditorium of the State Capitol. Mr. Speaker, I hope everybody will come, not because we want to make believers out of them, but we want to show the data and in more detail be able to stand up and defend a no GET Tax budget for this year. Thank you, Mr. Speaker."

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Ichiyama introduced a volunteer in her office, Miss Jessica Serikawa, a 6th grade student at St. Andrews Priory. She was accompanied by her legislative staff, Ms. Cu Ri Lee.

ANNOUNCEMENTS

Representative Evans: "Thank you, Mr. Speaker. Pay inequity affects women. Pay inequity affects families. And pay inequity affects our economy. It affects everyone. Today, April 12th, is Equal Pay Day. This day symbolizes how far into 2011 women must work to earn what men earned in 2010. I put on my red shawl today because the color red is worn to show how women and minorities are in the red.

"The Equal Pay Day Act was signed in 1963 when a women earned 59 cents to every dollar earned by a man. Today that number is 77 cents to every dollar. Mr. Speaker, I'd like permission to insert written comments. And also I would like a few more words to close.

"We've made many small steps in the right direction, and it's taken a lot of individuals and a lot of women to stand up for this issue. There was a woman, Lilly Ledbetter, and she stood up for herself.

"She stood up for the welfare of women, and the welfare of families. And the first bill President Obama signed into law, it was the Lilly Ledbetter Fair Pay Act. This was to recognize their pay. That Act amends the Civil Rights Act of 1964 so that a person can file an equal pay lawsuit even if that person discovers they've been discriminated against years after the pay discrimination began. She stood up for the welfare of future generations. At the current half cent a year, the pay gap is closing. At that rate, women's pay won't be equal to men's until 2050. Mr. Speaker, that's too long. Thank you."

Representative Evans' written remarks are as follows:

"We are taking steps toward equal pay for equal work.

"The first bill President Obama signed into law was the Lilly Ledbetter Fair Pay Act. This Act is named for a woman who, after a 19-year career and nearing retirement, found she had been paid less than her male colleagues for the exact same work. She took her case all the way to the Supreme Court, who ruled in favor of her employer – not because Lilly Ledbetter had not been discriminated against, but because her claims were filed more than 180 days after the discriminatory decisions relating to her pay were made. The Lilly Ledbetter Fair Pay Act amends the Civil Rights Act of 1964 so that a person can file an equal pay lawsuit even if that person discovers they've been discriminated against years after the pay discrimination began.

"And there's the Fair Pay Act of 2009, which is currently in Congress. This bill aims to prohibit wage discrimination by requiring employers to provide equal pay for work of equal value, whether or not the jobs are the same.

"But the steps we're taking are small.

"A woman's 77 cents to every dollar earned by a man translates to an average loss of \$431,000 over a 40-year career. Census data shows

women have earned 77 cents to every dollar since 2005, so the average loss is much higher.

"When a woman graduates from college, she should – absent of discrimination – be on an equal playing field with her male counterparts who have also just graduated. However, a study done by the American Association of University Women found that one year after graduation, a woman earns 80 cents to every dollar earned by a man. That number continues to decrease over the next 10 years, so that ten years after college, a woman's earnings are 69 percent of a man's. This pay inequity follows a woman into her retirement years, reducing her Social Security benefits, pensions, and savings.

"And this report found that even after "[c]ontrolling for hours, occupation, parenthood, and other factors normally associated with pay, college-educated women still earn less than their male peers earn. . . . **A large portion of the gender pay gap is not explained by women's choices or characteristics.**"

"This pay inequity not only impacts women – it impacts their families.

"At 77 cents to every dollar, this translates to an average loss of \$10,000 each year. According to Aloha United Way's Family and Individual Self-Sufficiency study, \$10,000 is ten months' worth of groceries for a family of four in Hawaii.

"And the pay gap is worse for women minorities. African American women earn 61 cents to every dollar, and Hispanic women earn 52."

Representative M. Lee: "Thank you, Mr. Speaker. Actually, I have two announcements to make. One is to expand upon what the Majority Floor Leader just said and to ask if I could insert in the Journal a copy of today's article in the *Star-Advertiser* written by the *Star-Advertiser's* staff called Gender Balancing Act. It states that full time working women in Hawaii are paid on the average \$9,934 less per year than their male counterparts according to a study released today. The study was conducted by the National Partnership for Women and Families and the American Association of University Women. We're not the only state where this is the case, but it's significant. That's my first announcement."

Representative M. Lee's written remarks are as follows:



KIP AOKI / KAOKI@STARADVERTISER.COM

Gender balancing act

Pay gaps that hurt women are costing isle families \$1.7 billion yearly, a study finds

POSTED: 01:30 a.m. HST, Apr 12, 2011

Full-time working women in Hawaii are paid on average \$9,934 less per year than their male counterparts, according to a study released yesterday.

The study conducted by the National Partnership for Women & Families and the American Association of University Women concluded that the gap costs Hawaii's families a total of more than \$1.7 billion annually.

With 68 percent of Hawaii women now bringing in more than a quarter of their families' income and women heading more than 55,000 households, unequal wages are a major drag on the state economy, the groups said.

"This new data illustrate the very real harm unequal wages are doing to families and the state," said Debra Ness, president of the National Partnership for Women & Families. "It is long past time to close the gender-based wage gap. With women playing an increasingly important role as family breadwinners, there is no time to waste."

According to the report, if the gap between men's and women's wages were eliminated, each full-time working woman in Hawaii could afford mortgage and utility bills for four more months per year, rent for eight more months or more than three more years of family health insurance premiums.

"This research proves that the gender pay gap is not simply a numbers issue or a women's issue," said AAUW Executive Director Linda Hallman. "It's a bread-and-butter issue. It's an everyday issue for people who are trying to support their families and provide for their futures. No more lip service; it's time to act."

Hawaii is not the only state with a wage gap. Nationally, women working full time are paid an average of only 77 cents for every dollar paid to full-time working men, according to the study. The gap has been closing at a rate of less than half a cent per year since the passage of the 1963 Equal Pay Act. At that pace, working women won't earn the same amount as men until 2058. Ness said she was encouraged to see the reintroduction of the Paycheck Fairness Act in Congress. The legislation, which would establish stronger workplace protections for women, was passed by the U.S. House of Representatives in the last Congress but fell two votes short of moving forward in the Senate last year.

Honolulu Star-Advertiser

Representative M. Lee: "And secondly, I'd like to request a waiver of the 48 hour hearing notice requirement for the purpose of hearing two resolutions."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing and decision making on the following measures on Wednesday, April 13, at 10:40 a.m. in Conference Room 308, and the Chair "so ordered."

H.C.R. No. 166, requesting the Auditor to conduct a study regarding the transfer of non general funds to the general fund.

Decision making

H.C.R. No. 204 and H.R. No. 176, requesting the Director of Public Safety to form a task force to initiate the planning and design process to develop a correctional treatment facility to house 1,000 to 1,200 inmates on undeveloped Hawaiian Home Lands on the Island of Hawaii, and or to consider the feasibility of a community based program at that location.

Representative Morikawa: "Mr. Speaker, I'd like to just express our thank you for the cookies from our District 14 Representative. It was a very welcomed snack on a very long day. Thank you."

Representative Fontaine: "Yes, Mr. Speaker. I'd like to express my thanks to Speaker Say for the lunch today. It was outstanding. Thank you very much for that."

Representative C. Lee: "Since you called on me. Thank you, Mr. Speaker. And thank you again for the Mexican lunch. I believe we're

getting a few emails here and there about perhaps pursuing a Mexican Consulate. I don't know where I'm going with that. I'm just following a rich tradition of random announcements.

"But just to follow up on the other Representative Lee, from Mililani's comments, as well as the Majority Floor Leader.

"If you look at actually, interestingly at our own State government, which is where, first and foremost, we should be looking since we are the proprietors of that institution, you have about a \$10,000 differential in median pay, which suggests a number of different things between men and women here. So perhaps the first place to go, if anyone is looking anywhere, is right in our own backyard. Thank you."

Representative Cabanilla: "Mr. Speaker, I just would like to thank my Vice Chair and the Committee on Housing, and all the Members for putting up with all those options and solutions, and resolutions that I have thought up in addressing homelessness. And I'm sure they have some qualms about it, but I thank them for their indulgence and their support. Thank you."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.C.R.

Nos.

Re-referred to:

- | | |
|-----|--|
| 24 | Jointly to the Committee on Health and the Committee on Human Services |
| 166 | Committee on Finance |

ADJOURNMENT

At 4:30 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 Thursday, April 14, 2011. (Representative Chang was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 12, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 235, HD 2, SD 2

H.B. No. 1053, HD 1, SD 1

FORTY-EIGHTH DAY

Thursday, April 14, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:07 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, Chong, M. Oshiro, Say and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 1108) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 1108, informing the House that on April 11, 2011, the following bill was signed into law:

H.B. No. 863, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 008)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 416 through 599) were received and announced by the Clerk:

Sen. Com. No. 416, transmitting S.C.R. No. 6, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE JOHN A. BURNS SCHOOL OF MEDICINE AND THE SCHOOL OF NURSING AND DENTAL HYGIENE OF THE UNIVERSITY OF HAWAII TO INCLUDE BREASTFEEDING IN EDUCATIONAL CURRICULUM TO EDUCATE MEDICAL PROFESSIONALS TO ADVOCATE AND PROMOTE BREASTFEEDING AMONG EXPECTANT MOTHERS," which was adopted by the Senate on April 12, 2011.

Sen. Com. No. 417, transmitting S.C.R. No. 66, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DETERMINE HOW TO EXPAND SCHOOL GARDENS PROGRAMS STATEWIDE," which was adopted by the Senate on April 12, 2011.

Sen. Com. No. 418, transmitting S.C.R. No. 125, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS," which was adopted by the Senate on April 12, 2011.

Sen. Com. No. 419, transmitting S.C.R. No. 139, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DEVELOP A QUALITY IMPROVEMENT INITIATIVE TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," which was adopted by the Senate on April 12, 2011.

Sen. Com. No. 420, transmitting H.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 421, transmitting H.B. No. 775, entitled: "A BILL FOR AN ACT RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 422, transmitting H.B. No. 1540, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 423, transmitting H.B. No. 4, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 424, transmitting H.B. No. 44, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 425, transmitting H.B. No. 49, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 426, transmitting H.B. No. 56, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 427, transmitting H.B. No. 70, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 428, transmitting H.B. No. 121, HD 1, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 429, transmitting H.B. No. 122, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 430, transmitting H.B. No. 129, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 431, transmitting H.B. No. 130, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 432, transmitting H.B. No. 141, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 433, transmitting H.B. No. 159, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 434, transmitting H.B. No. 160, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 435, transmitting H.B. No. 169, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 436, transmitting H.B. No. 200, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 437, transmitting H.B. No. 227, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 438, transmitting H.B. No. 240, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 439, transmitting H.B. No. 243, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 440, transmitting H.B. No. 257, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 441, transmitting H.B. No. 270, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 442, transmitting H.B. No. 273, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 443, transmitting H.B. No. 277, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 444, transmitting H.B. No. 298, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 445, transmitting H.B. No. 299, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 446, transmitting H.B. No. 300, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 447, transmitting H.B. No. 301, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 448, transmitting H.B. No. 306, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 449, transmitting H.B. No. 318, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VOG," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 450, transmitting H.B. No. 320, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 451, transmitting H.B. No. 324, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 452, transmitting H.B. No. 326, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 453, transmitting H.B. No. 331, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 454, transmitting H.B. No. 354, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 455, transmitting H.B. No. 377, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 456, transmitting H.B. No. 381, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED

STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 457, transmitting H.B. No. 382, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 458, transmitting H.B. No. 389, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 459, transmitting H.B. No. 393, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 460, transmitting H.B. No. 397, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 461, transmitting H.B. No. 404, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 462, transmitting H.B. No. 423, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 463, transmitting H.B. No. 424, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 464, transmitting H.B. No. 439, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 465, transmitting H.B. No. 467, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 466, transmitting H.B. No. 484, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 467, transmitting H.B. No. 491, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 468, transmitting H.B. No. 492, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 469, transmitting H.B. No. 496, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAKE WILSON," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 470, transmitting H.B. No. 505, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FLOOD MITIGATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 471, transmitting H.B. No. 519, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 472, transmitting H.B. No. 526, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 473, transmitting H.B. No. 545, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 474, transmitting H.B. No. 546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 475, transmitting H.B. No. 550, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEVISION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 476, transmitting H.B. No. 555, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 477, transmitting H.B. No. 563, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 478, transmitting H.B. No. 569, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 479, transmitting H.B. No. 575, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 480, transmitting H.B. No. 593, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 481, transmitting H.B. No. 594, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 482, transmitting H.B. No. 596, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 483, transmitting H.B. No. 597, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 484, transmitting H.B. No. 605, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 485, transmitting H.B. No. 608, HD 3, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 486, transmitting H.B. No. 614, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 487, transmitting H.B. No. 616, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 488, transmitting H.B. No. 638, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 489, transmitting H.B. No. 640, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 490, transmitting H.B. No. 663, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 491, transmitting H.B. No. 667, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 492, transmitting H.B. No. 678, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 493, transmitting H.B. No. 688, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 494, transmitting H.B. No. 716, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 495, transmitting H.B. No. 739, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 496, transmitting H.B. No. 758, HD 1, SD 2, 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," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 497, transmitting H.B. No. 761, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 498, transmitting H.B. No. 773, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 499, transmitting H.B. No. 786, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 500, transmitting H.B. No. 793, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 501, transmitting H.B. No. 801, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 502, transmitting H.B. No. 814, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 503, transmitting H.B. No. 828, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 504, transmitting H.B. No. 838, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 505, transmitting H.B. No. 850, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FISHING," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 506, transmitting H.B. No. 855, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 507, transmitting H.B. No. 865, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 508, transmitting H.B. No. 866, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 509, transmitting H.B. No. 879, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 510, transmitting H.B. No. 889, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 511, transmitting H.B. No. 902, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 512, transmitting H.B. No. 905, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DELIVERY OF GOVERNMENT SERVICES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 513, transmitting H.B. No. 909, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 514, transmitting H.B. No. 915, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 515, transmitting H.B. No. 916, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 516, transmitting H.B. No. 924, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 517, transmitting H.B. No. 945, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 518, transmitting H.B. No. 953, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 519, transmitting H.B. No. 960, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 520, transmitting H.B. No. 968, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 521, transmitting H.B. No. 983, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 522, transmitting H.B. No. 985, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 523, transmitting H.B. No. 1000, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 524, transmitting H.B. No. 1001, HD 2, SD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS

AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 525, transmitting H.B. No. 1003, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 526, transmitting H.B. No. 1004, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 527, transmitting H.B. No. 1005, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 528, transmitting H.B. No. 1009, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 529, transmitting H.B. No. 1012, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 530, transmitting H.B. No. 1015, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 531, transmitting H.B. No. 1019, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 532, transmitting H.B. No. 1020, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 533, transmitting H.B. No. 1035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 534, transmitting H.B. No. 1036, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 535, transmitting H.B. No. 1038, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 536, transmitting H.B. No. 1039, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 537, transmitting H.B. No. 1041, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 538, transmitting H.B. No. 1045, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 539, transmitting H.B. No. 1049, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 572, transmitting H.B. No. 1307, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 573, transmitting H.B. No. 1308, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 574, transmitting H.B. No. 1312, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 575, transmitting H.B. No. 1313, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 576, transmitting H.B. No. 1322, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 577, transmitting H.B. No. 1330, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 578, transmitting H.B. No. 1333, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 579, transmitting H.B. No. 1368, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 580, transmitting H.B. No. 1376, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 581, transmitting H.B. No. 1405, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 582, transmitting H.B. No. 1407, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 583, transmitting H.B. No. 1411, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 584, transmitting H.B. No. 1434, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 585, transmitting H.B. No. 1447, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 586, transmitting H.B. No. 1483, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 587, transmitting H.B. No. 1505, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 588, transmitting H.B. No. 1513, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED

STRATEGY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 589, transmitting H.B. No. 1529, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 590, transmitting H.B. No. 1532, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 591, transmitting H.B. No. 1552, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 592, transmitting H.B. No. 1566, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 593, transmitting H.B. No. 1568, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 594, transmitting H.B. No. 1570, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 595, transmitting H.B. No. 1613, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 596, transmitting H.B. No. 1626, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAXES," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 597, transmitting H.B. No. 1640, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 598, transmitting H.B. No. 1642, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," which passed Third Reading in the Senate on April 12, 2011.

Sen. Com. No. 599, dated April 12, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 49, SD 1, HD 2
S.B. No. 106, SD 1, HD 1
S.B. No. 1054, SD 1, HD 2
S.B. No. 1342, SD 1, HD 1
S.B. No. 1482, SD 1, HD 1

Representative B. Oshiro moved to disagree to the amendments proposed by the Senate to the House Bills returned to the House, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll Chong, M. Oshiro, Nishimoto, Say and Thielen were excused.)

H.B. No. 4, HD 2, (SD 2)
H.B. No. 44, HD 1, (SD 1)
H.B. No. 49, HD 1, (SD 1)
H.B. No. 56, HD 2, (SD 2)
H.B. No. 70, HD 2, (SD 1)
H.B. No. 121, HD 1, (SD 1)
H.B. No. 122, HD 1, (SD 2)
H.B. No. 129, HD 2, (SD 2)
H.B. No. 130, HD 1, (SD 1)
H.B. No. 141, HD 1, (SD 1)
H.B. No. 159, HD 1, (SD 2)
H.B. No. 160, HD 2, (SD 2)
H.B. No. 169, HD 2, (SD 2)

H.B. No. 200, HD 1, (SD 1)
H.B. No. 227, HD 2, (SD 2)
H.B. No. 240, (SD 1)
H.B. No. 243, HD 1, (SD 1)
H.B. No. 257, HD 2, (SD 1)
H.B. No. 270, (SD 1)
H.B. No. 273, HD 1, (SD 1)
H.B. No. 277, HD 2, (SD 2)
H.B. No. 298, HD 1, (SD 1)
H.B. No. 299, HD 1, (SD 1)
H.B. No. 300, HD 2, (SD 2)
H.B. No. 301, (SD 1)
H.B. No. 306, HD 1, (SD 2)
H.B. No. 318, HD 2, (SD 2)
H.B. No. 320, HD 2, (SD 1)
H.B. No. 324, HD 2, (SD 2)
H.B. No. 326, HD 1, (SD 2)
H.B. No. 331, HD 2, (SD 2)
H.B. No. 354, HD 1, (SD 2)
H.B. No. 377, HD 2, (SD 2)
H.B. No. 381, HD 1, (SD 1)
H.B. No. 382, HD 2, (SD 2)
H.B. No. 389, HD 3, (SD 2)
H.B. No. 393, HD 2, (SD 2)
H.B. No. 397, HD 2, (SD 2)
H.B. No. 404, HD 1, (SD 1)
H.B. No. 423, HD 1, (SD 1)
H.B. No. 424, (SD 1)
H.B. No. 439, HD 1, (SD 1)
H.B. No. 467, HD 2, (SD 1)
H.B. No. 484, (SD 2)
H.B. No. 491, HD 1, (SD 1)
H.B. No. 492, HD 2, (SD 2)
H.B. No. 496, (SD 2)
H.B. No. 505, HD 2, (SD 2)
H.B. No. 519, HD 1, (SD 2)
H.B. No. 526, HD 1, (SD 2)
H.B. No. 545, HD 1, (SD 1)
H.B. No. 546, (SD 1)
H.B. No. 550, HD 1, (SD 1)
H.B. No. 555, HD 1, (SD 1)
H.B. No. 563, HD 1, (SD 1)
H.B. No. 569, HD 1, (SD 2)
H.B. No. 575, HD 1, (SD 2)
H.B. No. 593, HD 1, (SD 1)
H.B. No. 594, HD 2, (SD 2)
H.B. No. 596, HD 1, (SD 1)
H.B. No. 597, HD 1, (SD 1)
H.B. No. 605, HD 2, (SD 2)
H.B. No. 608, HD 3, (SD 1)
H.B. No. 614, HD 2, (SD 1)
H.B. No. 616, HD 2, (SD 2)
H.B. No. 638, HD 1, (SD 1)
H.B. No. 640, HD 1, (SD 1)
H.B. No. 663, HD 2, (SD 2)
H.B. No. 667, HD 1, (SD 2)
H.B. No. 678, HD 3, (SD 2)
H.B. No. 688, HD 2, (SD 2)
H.B. No. 716, HD 1, (SD 1)
H.B. No. 739, HD 2, (SD 1)
H.B. No. 758, HD 1, (SD 2)
H.B. No. 761, HD 1, (SD 2)
H.B. No. 773, HD 1, (SD 1)
H.B. No. 786, HD 2, (SD 2)
H.B. No. 793, (SD 1)
H.B. No. 801, HD 2, (SD 2)
H.B. No. 814, HD 1, (SD 1)
H.B. No. 828, HD 2, (SD 1)
H.B. No. 838, HD 2, (SD 1)
H.B. No. 850, HD 1, (SD 2)
H.B. No. 855, HD 1, (SD 1)
H.B. No. 865, HD 2, (SD 2)
H.B. No. 866, HD 2, (SD 2)

H.B. No. 879, HD 1, (SD 2)
H.B. No. 889, HD 2, (SD 2)
H.B. No. 902, HD 2, (SD 1)
H.B. No. 905, HD 1, (SD 1)
H.B. No. 909, HD 2, (SD 2)
H.B. No. 915, HD 2, (SD 2)
H.B. No. 916, (SD 1)
H.B. No. 924, HD 2, (SD 2)
H.B. No. 945, HD 2, (SD 1)
H.B. No. 953, HD 2, (SD 1)
H.B. No. 960, HD 1, (SD 2)
H.B. No. 968, HD 1, (SD 1)
H.B. No. 983, HD 2, (SD 1)
H.B. No. 985, HD 2, (SD 2)
H.B. No. 1000, HD 2, (SD 2)
H.B. No. 1001, HD 2, (SD 2)
H.B. No. 1003, HD 2, (SD 2)
H.B. No. 1004, HD 1, (SD 1)
H.B. No. 1005, HD 2, (SD 2)
H.B. No. 1009, HD 2, (SD 2)
H.B. No. 1012, HD 1, (SD 2)
H.B. No. 1019, HD 1, (SD 2)
H.B. No. 1020, HD 2, (SD 2)
H.B. No. 1036, HD 1, (SD 2)
H.B. No. 1038, HD 2, (SD 2)
H.B. No. 1039, HD 1, (SD 2)
H.B. No. 1041, HD 2, (SD 2)
H.B. No. 1045, HD 1, (SD 2)
H.B. No. 1049, HD 2, (SD 2)
H.B. No. 1052, HD 2, (SD 1)
H.B. No. 1056, HD 1, (SD 2)
H.B. No. 1060, HD 1, (SD 2)
H.B. No. 1063, HD 1, (SD 1)
H.B. No. 1069, HD 2, (SD 1)
H.B. No. 1070, HD 2, (SD 2)
H.B. No. 1071, HD 2, (SD 1)
H.B. No. 1076, HD 1, (SD 2)
H.B. No. 1079, HD 2, (SD 1)
H.B. No. 1082, HD 1, (SD 2)
H.B. No. 1085, HD 2, (SD 2)
H.B. No. 1088, HD 1, (SD 1)
H.B. No. 1093, HD 1, (SD 2)
H.B. No. 1094, HD 1, (SD 2)
H.B. No. 1107, HD 1, (SD 2)
H.B. No. 1130, (SD 1)
H.B. No. 1134, HD 1, (SD 2)
H.B. No. 1138, (SD 2)
H.B. No. 1155, HD 1, (SD 1)
H.B. No. 1164, HD 1, (SD 1)
H.B. No. 1179, HD 3, (SD 1)
H.B. No. 1183, HD 2, (SD 1)
H.B. No. 1203, HD 2, (SD 1)
H.B. No. 1221, HD 1, (SD 2)
H.B. No. 1230, HD 2, (SD 1)
H.B. No. 1241, HD 2, (SD 2)
H.B. No. 1248, HD 1, (SD 1)
H.B. No. 1270, HD 1, (SD 1)
H.B. No. 1277, HD 2, (SD 2)
H.B. No. 1286, HD 2, (SD 1)
H.B. No. 1300, HD 2, (SD 2)
H.B. No. 1307, HD 1, (SD 1)
H.B. No. 1308, HD 2, (SD 2)
H.B. No. 1312, HD 2, (SD 2)
H.B. No. 1313, HD 2, (SD 1)
H.B. No. 1322, HD 2, (SD 2)
H.B. No. 1330, HD 1, (SD 2)
H.B. No. 1333, HD 1, (SD 1)
H.B. No. 1368, HD 2, (SD 1)
H.B. No. 1376, (SD 1)
H.B. No. 1405, HD 1, (SD 1)
H.B. No. 1407, HD 1, (SD 2)
H.B. No. 1411, HD 2, (SD 2)
H.B. No. 1434, HD 2, (SD 1)

H.B. No. 1447, HD 2, (SD 2)
 H.B. No. 1483, HD 1, (SD 2)
 H.B. No. 1505, HD 2, (SD 1)
 H.B. No. 1513, HD 1, (SD 2)
 H.B. No. 1529, HD 2, (SD 1)
 H.B. No. 1532, HD 2, (SD 2)
 H.B. No. 1552, HD 1, (SD 2)
 H.B. No. 1566, HD 1, (SD 1)
 H.B. No. 1568, HD 2, (SD 2)
 H.B. No. 1570, HD 2, (SD 1)
 H.B. No. 1613, HD 1, (SD 1)
 H.B. No. 1626, HD 1, (SD 2)
 H.B. No. 1640, HD 2, (SD 1)
 H.B. No. 1642, HD 2, (SD 1)

H.B. No. 117, HD 2, (SD 2)
 H.B. No. 680, (SD 2)
 H.B. No. 922, (SD 3)
 H.B. No. 1092, HD 1, (SD 3)

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Mizuno introduced the many members of PHOCUSED, Protecting Hawaii's Ohana, Children, Under Served, Elderly and Disabled.

Representative Hanohano introduced the students of Nawahi o Kalaniopu'u School of the Puna district on the Big Island, and their teachers and chaperones:

Students

Anuheia Awai;
 Kauaililiko Baclig;
 Kinohi Carreira-Galdeira;
 Kamailelauli'i Davis;
 Shelby Kamaile Enos;
 Alekanekelo 'Aliko Faumuina;
 Hokulani Fortunato;
 Aluanu Germano;
 Kau'i Glimane;
 Evyn-Bree Laukeha Helekahi-Kaiwi;
 Alaka'i Iaea-Russell;
 Shayne Kuali'i Isabel;
 Dominic Keahi Jones-Quinn;
 Wylie Kekaiao Julian-DeCoito;
 Rylen Kealoha Kaniaupio;
 Jonah Iona Kim;
 Ka'aina'oluikala'i Lewis;
 Dlynn Maikalani Miles-Bontog;
 Realene Kamalukea Moke;
 Kaleimaluhia Nesbitt;
 Leilani Pupuhi;
 Maliaonani Silva-Meeken;
 Leilanileihulkumano Tam; and
 Kaleihali'a Tolentino-Perry.

Pelehonuamea Harman, alaka'i;
 Maile Enos, kahu ma'i;
 Cybil Maikalani Baclig, chaperone; and
 Grant Baclig, chaperone.

ORDER OF THE DAY

At this time, the Chair announced:

"Members, please note that HCR No. 24 has been re-refereed solely to the Committees on Health, and Human Services per Committee Referral Sheet No. 56. The Committee on Legislative Management waived its referral to this measure and it is therefore appropriate for the House to consider action for Adoption."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.C.R. No. 24. (Representatives Cabanilla, Carroll, Chong, M. Oshiro, Say and Thielen were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1397, recommending referral to the Committee on Legislative Management, seconded by Representative Evans and carried. (Representatives Cabanilla, Carroll, Chong, M. Oshiro, Say and Thielen were excused.)

UNFINISHED BUSINESS

Representative B. Oshiro moved that H.C.R. No. 24, be adopted, seconded by Representative Evans.

Representative M. Lee rose 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 HCR24, which EXTENDS THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING.

"Though authorized in 2009, the Home for Life Task Force did not officially convene until June 2010. The authorizing Resolution was very detailed, and contained many responsibilities for the task force members, all of whom are volunteers, with no budget or staff. Under these circumstances, the Task Force has made significant progress, through its four working groups.

"The Task Force held seven general meetings between June 2010 and January 2011, and submitted an Interim Report to the Legislature in January 2011. This report described the activities of the working groups and contained preliminary recommendations for your consideration. That said, a great deal more remains to be done by this volunteer body, and an extension of the life of the Task Force until June 2012 is urgently needed. I ask the Members' support."

The motion was put to vote by the Chair and carried, and H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," was adopted, with Representatives Cabanilla, Carroll, Chong, M. Oshiro, Say and Thielen being excused.

REPORTS OF STANDING COMMITTEES

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1605) recommending that S.B. No. 923, 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. 923, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Second Reading and was

placed on the calendar for Third Reading, with Representatives Cabanilla, Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1606) recommending that H.R. No. 26, 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. 26, HD 1, entitled: "HOUSE RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-14.1(a)(2) OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1607) recommending that H.C.R. No. 30, 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. 30, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR OF HONOLULU AND THE HONOLULU CITY COUNCIL TO ALLOW AN EXEMPTION FROM SECTION 15-14.1(a)(2) OF THE REVISED ORDINANCES OF HONOLULU TO ALLOW FOR STREET PARKING IN THE COMMUNITY OF HO'OKEA IN EWA VILLAGES," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 1608) recommending that H.R. No. 44, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1609) recommending that H.C.R. No. 51, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 44, HD 1; and H.C.R. No. 51, HD 1, be adopted, seconded by Representative Evans.

Representative Marumoto rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I rise in favor of these resolutions, Stand. Com. Rep. Nos. 1608 and 1609. I believe they are companion measures. And I will vote with reservations, but I wanted to ask the introducer of these resolutions if he will yield to a question."

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 12:15 o'clock p.m.

Representative Marumoto continued, stating:

"Thank you. I believe the introducer of these measures is the Representative from Pearl City and I'm wondering if he would yield to a question. I'm just asking the impact of these resolutions, Urging the United States Congress to Propose an Amendment to the US Constitution for the States' Consideration to Provide that Corporations are not Persons under the Laws of the United States or Any of its Jurisdictional Subdivisions."

Vice Speaker Manahan: "Representative Takumi, will you yield to a question?"

Representative Takumi: "No, Mr. Speaker."

Representative Marumoto continued, stating:

"Thank you. I don't quite understand the impact of these resolutions therefore, I am voting with reservations. Thank you."

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 Fontaine rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Johanson rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Ward rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. Reservations with a couple of comments. Mr. Speaker, there's a rich history of corporate law that goes back about 120 year where corporations were defined as individuals so in effect, they could be had if you would, in terms of a court of law rather than some nebulous Board of Directors, or shareholders, or officers.

"And then in 1907, corporations were forbidden to contribute to political entities. Then in the '40s unions were prohibited and there's been a series of court cases where campaign spending has become really quite a legal ... The word is, complications and a bailiwick of confusing decisions.

"These resos however add to the confusion because it attacks the corporate law, which is part of the marketplace, which is part of what America does through its interstate commerce, versus campaign spending law. And there is a problem with the campaign spending law. But to attack the corporate law through an amendment of the Constitution I think, is putting the 'cart before the horse.'

"And Mr. Speaker, if there's any reason that we open up the Constitution, it better be for a bit of a heavier reason than playing around with something that we could handle by a law strictly regarding campaign spending. The law needs to be fixed, but I don't think this is the remedy. For those reasons, I have strong reservations. Thank you."

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 B. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support. Looking at the resolutions, looking at the Whereas clauses and the Be it resolved clauses, I fail to see how this does in anyway impact corporate law. This is specifically talking about campaign spending and the Citizens United case which held that corporations are persons under the campaign spending law and therefore are afforded the same and equal rights and treatment. All these resolutions are doing is seeking to make a distinction and say that corporations are actually fictional legal entities and they are not persons. That's all it is saying. Because what we are trying to do is uphold the most basic tenants of democracy ensuring that persons are the ones that actually participate in the electoral process, ensuring that persons are the ones that actually exercise their free speech rights under our campaign spending laws. I don't see how this impacts corporation law.

"Furthermore, having done corporate law at my law firm, I don't think there's anywhere, anywhere in corporate law, whether its common law or statutes which says that a corporation is a person. And so therefore there is no impact at all to corporate law. And so I fail to see the concerns or reservations being raised. Therefore I support these resolutions."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a brief rebuttal. Number one, I did read the resolutions. And number two, it does say that these resos propose an amendment to the US Constitution for the states' consideration to provide that corporations are not persons under the laws of the United States.

"The laws of the United States have ruled since the 1800s that corporations are persons. So when the learned gentleman says that corporations are not persons, he is saying something I certainly don't understand. Thank you, Mr. Speaker."

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 of HR44, HCR51. While I can see the intent of these resolutions, it states that the *Citizens United v. Federal Election Commission* decision **forces** candidates to divert attention from the interests and needs of their constituents. I do not believe that this is always true. While, as stated in these resolutions corporations cannot vote, there are times when a candidate raises money from corporations, but still loses the election because they do not represent the voters' wishes. Finally, I believe the spurious language used in this resolution disparages and belittles. Thank you."

Representative Rhoads rose to speak in support of both measures, stating:

"Mr. Speaker, in support. I would say in the relative long history of American jurisprudence that qualifies corporations as persons was incorrect from the very beginning, and that corporations clearly are not persons. They can't vote. I think you could probably make the same, if you're going to start giving inanimate objects the right to vote, you can have our cars voting and our refrigerators voting.

"A corporation is a useful legal fiction that helps to limit liability for those who want to invest, but it doesn't make any sense for them to be given the same kinds of rights that actual people. They've never been actual people, and they were never intended to be actual people. And the whole idea that the Supreme Court would hold that they are people has never made any sense in any realistic way. Thank you."

Representative Souki rose, stating:

"Yes, Mr. Speaker. A point of information. May ask a question to the Majority Leader as to how many states are needed to ratify an amendment that's made by the Congress?"

At 12:22 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

Representative B. Oshiro responded, stating:

"Mr. Speaker, in response to the question that was posed by Speaker Emeritus, and it took a refreshing of my civics lessons. But going back to Article V of the US Constitution, there appears to be two ways by which an amendment to the Constitution can be done. One of which is when two-thirds of both Houses shall deem it necessary, they propose an amendment. And then at that point, the several states have the option of calling a Convention proposing an amendment. In either way, these must be ratified by three-fourths of the states."

Representative Pine rose to respond, stating:

"Yes, I just wanted to note why I am voting with reservations. On the bottom of page two there is a sentence that just concerns me personally. It says, 'Whereas large corporations own most of America's mass media and employ those media to loudly express the corporate political agenda and to convince Americans that the primary role of human beings is that of

consumers, rather than sovereign citizens with democratic rights and responsibilities. Whereas the only way to reverse this intolerable societal reality is to amend the United States Constitution.'

"And I just find that statement really far off in left field somewhere. I don't think anyone in this Body is controlled by corporations. I think we have the best Constitution in the world that gives us more rights than any other citizens in the world and I just think this sentence should not be in this resolution."

Representative Riviere rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Riviere's written remarks are as follows:

"I disagree with the entire premise of these resolutions. The inflammatory descriptions and accusations against corporations do nothing more than encourage the image so many Americans have about Hawaii: that Hawaii is unfriendly to business. This effort to overturn longstanding legal standing as described in these resolutions has no chance of success and sends the wrong message. Mahalo."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 44, HD 1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE STATES' CONSIDERATION TO PROVIDE THAT CORPORATIONS ARE NOT PERSONS UNDER THE LAWS OF THE UNITED STATES OR ANY OF ITS JURISDICTIONAL SUBDIVISIONS," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused; and

H.C.R. No. 51, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION FOR THE STATES' CONSIDERATION TO PROVIDE THAT CORPORATIONS ARE NOT PERSONS UNDER THE LAWS OF THE UNITED STATES OR ANY OF ITS JURISDICTIONAL SUBDIVISIONS," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 1610) recommending that H.R. No. 112, be adopted; and

(Stand. Com. Rep. No. 1611) recommending that H.C.R. No. 132, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 112; and H.C.R. No. 132, be adopted, seconded by Representative Evans.

Representative Tsuji rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"These resolutions request the Department of the Attorney General to review confidentiality laws pertaining to court-involved, multi-agency youth. In Committee, the Department of Education (DOE) testified in support. In the public school system there are a number of court-involved youth who receive services from multiple agencies. Schools have consistently confronted challenges in sharing of information between agencies. This may result in service gaps, or occasionally, duplication of services. It would be highly valuable for the Department of the Attorney General to review the existing federal and State laws and rules in order to facilitate sharing of appropriate and necessary information. This action would serve to ensure better coordination of services and supports for these youth.

"In addition, the Department of Human Services also stated these recommendations should enhance the ability of schools, social service agencies, courts, and the juvenile and criminal justice systems to share information while safeguarding and protecting the rights of juveniles and their families."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW CONFIDENTIALITY LAWS PERTAINING TO COURT INVOLVED, MULTI-AGENCY YOUTH," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused; and

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO REVIEW CONFIDENTIALITY LAWS PERTAINING TO COURT INVOLVED, MULTI-AGENCY YOUTH," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1612) recommending that H.R. No. 242, 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. 242, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROVIDE IMMUNITY FROM LIABILITY FOR NEIGHBORHOOD BOARD MEMBERS ACTING IN THEIR OFFICIAL CAPACITY OR TO ENSURE THAT NEIGHBORHOOD BOARD MEMBERS WILL BE DEFENDED," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1613) recommending that H.C.R. No. 275, 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. 275, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROVIDE IMMUNITY FROM LIABILITY FOR NEIGHBORHOOD BOARD MEMBERS ACTING IN THEIR OFFICIAL CAPACITY OR TO ENSURE THAT NEIGHBORHOOD BOARD MEMBERS WILL BE DEFENDED," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1614) recommending that H.R. No. 9, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 9, be adopted, seconded by Representative Evans.

Representative Ichiyama rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this resolution. Women make up more than half of Hawaii's population, including those eligible to vote. They are a significant force in Hawaii and their voices deserve to be heard.

"The results of the Patsy T. Mink PAC poll show that we need to make it easier for women to participate in political life, by recognizing their unique challenges and meeting their specific needs. For example, we can offer free childcare at our community events to help single parents attend. We can look at more ways to address the high cost of living in our State, the most important issue identified by women in the survey. Many families are

struggling to make ends meet and I challenge this Body to do better to improve their quality of living.

"We can also do a better job right here in the State Legislature, by recognizing the work of the Women's Caucus as advocates for the women in our communities. I am honored to work with my female colleagues to improve the lives of women in our State and I will continue to do so during my term in office. Thank you, Mr. Speaker."

Representative Brower rose to speak in support of the measure, stating:

"Mr. Speaker, in support. The purpose of this resolution is to request the Legislature to encourage women to take active roles in services like government. According to the Judiciary Committee Report, the Hawaii Democratic Women's Caucus submitted testimony stating that of the 10 member House Majority Leadership team, 2 are women. Of the 20 State House Standing Committees, 5 are chaired by women. Please note that 16 of 51 House Members are women.

"Mr. Speaker, this next sentence is for the ladies. I'd like to ask a gentleman who sits in this room if he would be willing to give up his position of leadership in order for a woman to assume that position. I'm speaking to of course, the Representative from Hawaii Kai.

"Right now, if he gives up his position as Minority Leader, I will relinquish my position as Committee Chair. Okay, times up.

"Mr. Speaker, the issue of gender equality is important. I would like to see more qualified women in the House. Not that there's anything wrong with the women in the House today.

"Where it gets dangerous is, in general affirmative action devalues the accomplishment of people who are chosen on the basis of their qualifications. I would like to see the Legislature help all people succeed so that everyone who wishes to partake in public service is given the same opportunities in education, work, and civic engagement. Thank you."

Representative Pine rose to speak in support of the measure, stating:

"In support, Mr. Speaker. And I just want to comment that I'm almost certain that the Minority Leader would give up his leadership position if the Representative from Waikiki gave up his seat in the House of Representatives for a woman. I'll second that motion.

"But our Caucus certainly endorses this resolution. As you know, just a term ago our Caucus had more women in its entirety, in its ratio to men than any other Caucus in the United States. So we on the Republican side, who've elected the first female Governor in the State of Hawaii, certainly appreciate this resolution."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker. In support. Not in retort, but in accepting the challenge. Except the Member from Waikiki must have missed last year when I was the only testosterone of all of my Caucus. The only surviving one. But I am in support of this resolution.

"This is very serious business because if you look at what's going on in the world, particularly the Islamic world, women are not even allowed to drive cars. I was in a conference in Azerbaijan and some of the women said, 'You know what? The Saudis are going to be able to drive cars in the near future,' because the economy doesn't allow all the Filipino drivers to come in and all the other stuff. There's so much discrimination against women in the world.

"USCID where I used to work, the Foreign Aid Department, actually had programs, Civil Society, to encourage women to number one, get an education and to be somebody who God has given gifts and talents to everyone that they can be. Right now, much of the world has one arm behind its back and that's because the women are not being utilized, respected, and given what otherwise this resolution says. So it's light, but it's a heavy one. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support, Mr. Speaker. I've already given up my leadership position at home."

Representative Ching rose, stating:

"Thank you, Mr. Speaker. I'd be remiss not to add this. I had often in the last couple terms, considered the fact that the elephant is led definitely, by the matriarchal line. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, just in strong support. And although we've had a lot of interesting comments, this is a serious resolution and I would like to insert written comments in strong support. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. The needs and concerns of Hawaii's women should be attended to. The Patsy Mink Political Action Committee (founded in 2003) contacted QMark Research to conduct a quantitative study via telephone and internet surveys among full time female residents, between 18 and 44 years of age, to gain insight into motivations in terms of voting.

"27% of female residents have contacted a local politician. 26% have not received a response back from a politician. Over 60% reported having no satisfaction in reporting or inquiring. The women were articulate about not seeing their government as addressing issues that mattered to them and not seeing themselves as having any power to change that.

"When explaining and speaking about what they go through on a daily basis, the women were in tears. Women are living in areas less than desirable because of what they can afford for rent - not even including buying property. Women are also absolutely concerned with education and their child's education as well. Women are overstretched with family obligations and a tough economy.

"It is with hope that we encourage and uplift Hawaii's women by engaging them in the political process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION RECOGNIZING THE NEED TO REACH OUT TO HAWAII WOMEN AND ENGAGE THEM IN THE POLITICAL PROCESS," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1615) recommending that H.C.R. No. 5, HD 1, as amended in HD 2, 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. 5, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO IDENTIFY MEASURES USED TO DETERMINE WHETHER SEX OFFENDER REGISTRATION LAWS ARE ACHIEVING THEIR GOALS AND OBJECTIVES AND REQUESTING THE ATTORNEY GENERAL TO APPLY THE IDENTIFIED MEASURES TO CRIMINAL JUSTICE DATA ON REGISTERED SEX OFFENDERS IN HAWAII AND DETERMINE WHETHER HAWAII SEX OFFENDER REGISTRATION LAWS ARE BEING IMPLEMENTED IN THE WAY THEY WERE INTENDED AND ARE MEETING THEIR GOALS AND OBJECTIVES," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1616) recommending that H.R. No. 252, 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. 252, entitled: "HOUSE RESOLUTION REQUESTING COMMERCIAL GENERAL LIABILITY INSURERS TO SUBMIT PREMIUM INFORMATION TO THE LEGISLATURE," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1617) recommending that H.C.R. No. 285, 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. 285, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COMMERCIAL GENERAL LIABILITY INSURERS TO SUBMIT PREMIUM INFORMATION TO THE LEGISLATURE," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1618) recommending that H.R. No. 253, 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. 253, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1619) recommending that H.C.R. No. 286, 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. 286, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1620) recommending that H.R. No. 115, 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. 115, HD 1, entitled: "HOUSE RESOLUTION URGING THE CONTINUED SUPPORT OF THE ALOHA SPIRIT OF ALL PEOPLE OF THE STATE OF HAWAII," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1621) recommending that H.C.R. No. 135, 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. 135, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONTINUED SUPPORT OF THE ALOHA SPIRIT OF ALL PEOPLE OF THE STATE OF HAWAII," was adopted, with Representatives Carroll, Chong, M. Oshiro, Say and Thielen being excused.

ANNOUNCEMENTS

Representative Herkes: "Thank you, Mr. Speaker. Mr. Speaker, I just want to thank all of you for the support that you gave at the breakfast yesterday morning. We had over 70 people. The individual that we flew in from Kona that saw all of the destruction from a canoe, he got very emotional about it, along with many of us listening to him. It was quite an experience. The speaker's ability to sing brought us another \$200.

"As of this moment, it looks like we have raised between \$20,000 and \$25,000 for Red Cross of Hawaii. Thank you all."

Representative Nakashima: "Thank you, Mr. Speaker. In honor of National Jazz Month, the 32-member Honokaa Jazz Band from the Big Island is scheduled to be on a Big Island City Tour of Oahu with several performances and appearances from today through the 17th. They will open tomorrow for the Royal Hawaiian Band on the grounds of the Iolani Palace beginning at 11:10. So if anybody needs to be put into the proper frame of mind before session tomorrow, please join me at Iolani Palace.

"The Honokaa Jazz Band is a pride and joy of Honokaa High School. Last year, the music program was selected by the National Association of Music Merchant Foundations for its outstanding music program and commitment to music education. Honokaa is also a recipient of the prestigious 2011 Grammy Signature Schools Enterprise Award, and Band Director Gary Washburn recently received the 2011 Claes Nobel Educator of Distinction Award from the National Society of High School Scholars.

"On a side note, they will be at Dot's in Wahiawa this evening at 7:00, so if anybody would like to join me, I will be out there. Thank you, very much."

Vice Speaker Manahan: "The Chair would like to remind the Committee Chairs and Vice Chairs of today's 6:00 p.m. filing deadline for the House Concurrent Resolutions which are to cross over to the Senate. That's a 6:00 p.m. deadline to file."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.**Nos.****Referred to:**

69, SD1	Jointly to the Committee on Education and the Committee on Energy & Environmental Protection, then to the Committee on Finance
71, SD1	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance
114, SD1	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Finance
132, SD1	Jointly to the Committee on Health and the Committee on Tourism, then to the Committee on Higher Education, then to the Committee on Finance
146, SD1	Jointly to the Committee on Education and the Committee on Energy & Environmental Protection, then to the Committee on Finance

ADJOURNMENT

At 12:35 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, Friday, April 15, 2011. (Representatives Carroll, Chong, M. Oshiro, Say and Thielen were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 14, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 4, HD 2, SD 2
 H.B. No. 44, HD 1, SD 1
 H.B. No. 49, HD 1, SD 1
 H.B. No. 56, HD 2, SD 2
 H.B. No. 70, HD 2, SD 1
 H.B. No. 121, HD 1, SD 1
 H.B. No. 122, HD 1, SD 2
 H.B. No. 129, HD 2, SD 2
 H.B. No. 130, HD 1, SD 1
 H.B. No. 141, HD 1, SD 1
 H.B. No. 159, HD 1, SD 2
 H.B. No. 160, HD 2, SD 2
 H.B. No. 169, HD 2, SD 2
 H.B. No. 200, HD 1, SD 1
 H.B. No. 227, HD 2, SD 2
 H.B. No. 240, SD 1
 H.B. No. 243, HD 1, SD 1
 H.B. No. 257, HD 2, SD 1
 H.B. No. 270, SD 1
 H.B. No. 273, HD 1, SD 1
 H.B. No. 277, HD 2, SD 2
 H.B. No. 298, HD 1, SD 1
 H.B. No. 299, HD 1, SD 1
 H.B. No. 300, HD 2, SD 2
 H.B. No. 301, SD 1
 H.B. No. 306, HD 1, SD 2
 H.B. No. 318, HD 2, SD 2
 H.B. No. 320, HD 2, SD 1
 H.B. No. 324, HD 2, SD 2
 H.B. No. 326, HD 1, SD 2
 H.B. No. 331, HD 2, SD 2
 H.B. No. 354, HD 1, SD 2
 H.B. No. 377, HD 2, SD 2
 H.B. No. 381, HD 1, SD 1
 H.B. No. 382, HD 2, SD 2
 H.B. No. 389, HD 3, SD 2
 H.B. No. 393, HD 2, SD 2
 H.B. No. 397, HD 2, SD 2
 H.B. No. 404, HD 1, SD 1
 H.B. No. 423, HD 1, SD 1
 H.B. No. 424, SD 1
 H.B. No. 439, HD 1, SD 1
 H.B. No. 467, HD 2, SD 1
 H.B. No. 484, SD 2
 H.B. No. 491, HD 1, SD 1
 H.B. No. 492, HD 2, SD 2
 H.B. No. 496, SD 2
 H.B. No. 505, HD 2, SD 2
 H.B. No. 519, HD 1, SD 2
 H.B. No. 526, HD 1, SD 2
 H.B. No. 545, HD 1, SD 1
 H.B. No. 546, SD 1
 H.B. No. 550, HD 1, SD 1
 H.B. No. 555, HD 1, SD 1
 H.B. No. 563, HD 1, SD 1
 H.B. No. 569, HD 1, SD 2
 H.B. No. 575, HD 1, SD 2
 H.B. No. 593, HD 1, SD 1
 H.B. No. 594, HD 2, SD 2
 H.B. No. 596, HD 1, SD 1
 H.B. No. 597, HD 1, SD 1
 H.B. No. 605, HD 2, SD 2
 H.B. No. 608, HD 3, SD 1
 H.B. No. 614, HD 2, SD 1

H.B. No. 616, HD 2, SD 2
H.B. No. 638, HD 1, SD 1
H.B. No. 640, HD 1, SD 1
H.B. No. 663, HD 2, SD 2
H.B. No. 667, HD 1, SD 2
H.B. No. 678, HD 3, SD 2
H.B. No. 688, HD 2, SD 2
H.B. No. 716, HD 1, SD 1
H.B. No. 739, HD 2, SD 1
H.B. No. 758, HD 1, SD 2
H.B. No. 761, HD 1, SD 2
H.B. No. 773, HD 1, SD 1
H.B. No. 786, HD 2, SD 2
H.B. No. 793, SD 1
H.B. No. 801, HD 2, SD 2
H.B. No. 814, HD 1, SD 1
H.B. No. 828, HD 2, SD 1
H.B. No. 838, HD 2, SD 1
H.B. No. 850, HD 1, SD 2
H.B. No. 855, HD 1, SD 1
H.B. No. 865, HD 2, SD 2
H.B. No. 866, HD 2, SD 2
H.B. No. 879, HD 1, SD 2
H.B. No. 889, HD 2, SD 2
H.B. No. 902, HD 2, SD 1
H.B. No. 905, HD 1, SD 1
H.B. No. 909, HD 2, SD 2
H.B. No. 915, HD 2, SD 2
H.B. No. 916, SD 1
H.B. No. 924, HD 2, SD 2
H.B. No. 945, HD 2, SD 1
H.B. No. 953, HD 2, SD 1
H.B. No. 960, HD 1, SD 2
H.B. No. 968, HD 1, SD 1
H.B. No. 983, HD 2, SD 1
H.B. No. 985, HD 2, SD 2
H.B. No. 1000, HD 2, SD 2
H.B. No. 1001, HD 2, SD 2
H.B. No. 1003, HD 2, SD 2
H.B. No. 1004, HD 1, SD 1
H.B. No. 1005, HD 2, SD 2
H.B. No. 1009, HD 2, SD 2
H.B. No. 1012, HD 1, SD 2
H.B. No. 1019, HD 1, SD 2
H.B. No. 1020, HD 2, SD 2
H.B. No. 1036, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1039, HD 1, SD 2
H.B. No. 1041, HD 2, SD 2
H.B. No. 1045, HD 1, SD 2
H.B. No. 1049, HD 2, SD 2
H.B. No. 1052, HD 2, SD 1
H.B. No. 1056, HD 1, SD 2
H.B. No. 1060, HD 1, SD 2
H.B. No. 1063, HD 1, SD 1
H.B. No. 1069, HD 2, SD 1
H.B. No. 1070, HD 2, SD 2
H.B. No. 1071, HD 2, SD 1
H.B. No. 1076, HD 1, SD 2
H.B. No. 1079, HD 2, SD 1
H.B. No. 1082, HD 1, SD 2
H.B. No. 1085, HD 2, SD 2
H.B. No. 1088, HD 1, SD 1
H.B. No. 1093, HD 1, SD 2
H.B. No. 1094, HD 1, SD 2
H.B. No. 1107, HD 1, SD 2
H.B. No. 1130, SD 1
H.B. No. 1134, HD 1, SD 2
H.B. No. 1138, SD 2
H.B. No. 1155, HD 1, SD 1
H.B. No. 1164, HD 1, SD 1
H.B. No. 1179, HD 3, SD 1
H.B. No. 1183, HD 2, SD 1

H.B. No. 1203, HD 2, SD 1
H.B. No. 1221, HD 1, SD 2
H.B. No. 1230, HD 2, SD 1
H.B. No. 1241, HD 2, SD 2
H.B. No. 1248, HD 1, SD 1
H.B. No. 1270, HD 1, SD 1
H.B. No. 1277, HD 2, SD 2
H.B. No. 1286, HD 2, SD 1
H.B. No. 1300, HD 2, SD 2
H.B. No. 1307, HD 1, SD 1
H.B. No. 1308, HD 2, SD 2
H.B. No. 1312, HD 2, SD 2
H.B. No. 1313, HD 2, SD 1
H.B. No. 1322, HD 2, SD 2
H.B. No. 1330, HD 1, SD 2
H.B. No. 1333, HD 1, SD 1
H.B. No. 1368, HD 2, SD 1
H.B. No. 1376, SD 1
H.B. No. 1405, HD 1, SD 1
H.B. No. 1407, HD 1, SD 2
H.B. No. 1411, HD 2, SD 2
H.B. No. 1434, HD 2, SD 1
H.B. No. 1447, HD 2, SD 2
H.B. No. 1483, HD 1, SD 2
H.B. No. 1505, HD 2, SD 1
H.B. No. 1513, HD 1, SD 2
H.B. No. 1529, HD 2, SD 1
H.B. No. 1532, HD 2, SD 2
H.B. No. 1552, HD 1, SD 2
H.B. No. 1566, HD 1, SD 1
H.B. No. 1568, HD 2, SD 2
H.B. No. 1570, HD 2, SD 1
H.B. No. 1613, HD 1, SD 1
H.B. No. 1626, HD 1, SD 2
H.B. No. 1640, HD 2, SD 1
H.B. No. 1642, HD 2, SD 1

House Communication dated April 14, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following measures:

H.B. No. 117, HD 2, SD 2
H.B. No. 680, SD 2
H.B. No. 922, SD 3
H.B. No. 1092, HD 1, SD 3

FORTY-NINTH DAY

Friday, April 15, 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 the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Chong, McKelvey, Souki and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 194) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 194, dated March 8, 2011, transmitting the Lead By Example: State of Hawaii Agencies' Energy Initiatives FY 2009-2010 Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 96 and Act 160, SLH 2006.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 600 through 605) were received and announced by the Clerk:

Sen. Com. No. 600, transmitting H.B. No. 117, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," which passed Third Reading in the Senate on April 14, 2011.

Sen. Com. No. 601, transmitting H.B. No. 680, SD 2, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," which passed Third Reading in the Senate on April 14, 2011.

Sen. Com. No. 602, transmitting H.B. No. 922, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 14, 2011.

Sen. Com. No. 603, transmitting H.B. No. 1092, HD 1, SD 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 14, 2011.

Sen. Com. No. 604, dated April 14, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 40, SD 2, HD 2
S.B. No. 101, SD 1, HD 2
S.B. No. 219, SD 1, HD 1
S.B. No. 631, SD 1, HD 2
S.B. No. 1416, SD 1, HD 1
S.B. No. 1417, SD 1, HD 1
S.B. No. 1483, SD 1, HD 1
S.B. No. 1559, SD 2, HD 2

Sen. Com. No. 605, dated April 14, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Bills:

S.B. No. 2, SD 2, HD 1
S.B. No. 11, SD 2, HD 2
S.B. No. 14, SD 2, HD 1
S.B. No. 23, SD 1, HD 2
S.B. No. 41, SD 1, HD 1
S.B. No. 44, SD 1, HD 1
S.B. No. 45, HD 1
S.B. No. 48, SD 1, HD 2
S.B. No. 52, SD 1, HD 1
S.B. No. 81, HD 2

S.B. No. 98, SD 2, HD 1
S.B. No. 99, SD 2, HD 1
S.B. No. 112, SD 1, HD 1
S.B. No. 120, SD 1, HD 1
S.B. No. 142, SD 1, HD 1
S.B. No. 145, SD 2, HD 2
S.B. No. 146, SD 1, HD 2
S.B. No. 150, SD 2, HD 2
S.B. No. 155, SD 2, HD 1
S.B. No. 163, SD 1, HD 1
S.B. No. 165, SD 2, HD 1
S.B. No. 172, SD 2, HD 2
S.B. No. 173, SD 2, HD 2
S.B. No. 181, SD 1, HD 1
S.B. No. 199, SD 2, HD 1
S.B. No. 217, SD 2, HD 2
S.B. No. 229, SD 1, HD 2
S.B. No. 233, SD 2, HD 1
S.B. No. 239, SD 2, HD 2
S.B. No. 240, SD 2, HD 2
S.B. No. 243, SD 2, HD 1
S.B. No. 244, HD 1
S.B. No. 249, SD 2, HD 2
S.B. No. 281, SD 2, HD 2
S.B. No. 283, SD 1, HD 1
S.B. No. 285, SD 2, HD 2
S.B. No. 289, SD 2, HD 1
S.B. No. 298, SD 3, HD 3
S.B. No. 318, SD 2, HD 2
S.B. No. 333, SD 3, HD 2
S.B. No. 367, SD 3, HD 2
S.B. No. 570, SD 2, HD 1
S.B. No. 573, SD 2, HD 2
S.B. No. 583, SD 1, HD 2
S.B. No. 590, SD 1, HD 2
S.B. No. 596, SD 2, HD 1
S.B. No. 651, SD 2, HD 2
S.B. No. 652, SD 2, HD 1
S.B. No. 698, SD 2, HD 1
S.B. No. 699, SD 2, HD 2
S.B. No. 723, SD 1, HD 2
S.B. No. 725, SD 2, HD 1
S.B. No. 741, SD 1, HD 1
S.B. No. 742, SD 2, HD 1
S.B. No. 752, SD 2, HD 1
S.B. No. 753, SD 2, HD 2
S.B. No. 754, SD 1, HD 1
S.B. No. 756, SD 2, HD 1
S.B. No. 758, SD 1, HD 2
S.B. No. 772, SD 2, HD 2
S.B. No. 778, SD 1, HD 1
S.B. No. 779, SD 2, HD 2
S.B. No. 782, SD 2, HD 1
S.B. No. 787, SD 2, HD 1
S.B. No. 797, SD 1, HD 1
S.B. No. 806, SD 1, HD 2
S.B. No. 809, SD 1, HD 1
S.B. No. 823, SD 1, HD 1
S.B. No. 831, SD 2, HD 1
S.B. No. 883, SD 2, HD 1
S.B. No. 892, SD 2, HD 2
S.B. No. 893, SD 3, HD 2
S.B. No. 900, SD 2, HD 2
S.B. No. 903, SD 1, HD 1
S.B. No. 912, SD 2, HD 1
S.B. No. 921, SD 2, HD 3
S.B. No. 946, SD 1, HD 1
S.B. No. 975, SD 1, HD 2
S.B. No. 986, SD 2, HD 3
S.B. No. 1006, SD 1, HD 1
S.B. No. 1025, SD 1, HD 1

S.B. No. 1040, SD 1, HD 2
 S.B. No. 1055, SD 1, HD 1
 S.B. No. 1061, SD 1, HD 1
 S.B. No. 1062, SD 1, HD 1
 S.B. No. 1065, SD 1, HD 1
 S.B. No. 1068, SD 1, HD 1
 S.B. No. 1073, SD 2, HD 2
 S.B. No. 1076, SD 1, HD 3
 S.B. No. 1078, SD 2, HD 1
 S.B. No. 1079, SD 2, HD 2
 S.B. No. 1083, SD 1, HD 1
 S.B. No. 1086, SD 1, HD 2
 S.B. No. 1088, SD 1, HD 1
 S.B. No. 1089, SD 1, HD 2
 S.B. No. 1095, SD 1, HD 1
 S.B. No. 1107, SD 1, HD 2
 S.B. No. 1153, SD 1, HD 2
 S.B. No. 1154, SD 2, HD 1
 S.B. No. 1161, SD 1, HD 3
 S.B. No. 1174, SD 2, HD 1
 S.B. No. 1186, SD 2, HD 1
 S.B. No. 1213, SD 1, HD 1
 S.B. No. 1219, SD 2, HD 2
 S.B. No. 1221, SD 2, HD 1
 S.B. No. 1233, SD 2, HD 2
 S.B. No. 1241, SD 1, HD 1
 S.B. No. 1244, SD 2, HD 1
 S.B. No. 1247, SD 2, HD 2
 S.B. No. 1269, SD 2, HD 2
 S.B. No. 1270, SD 2, HD 1
 S.B. No. 1271, HD 1
 S.B. No. 1274, SD 2, HD 3
 S.B. No. 1277, SD 2, HD 2
 S.B. No. 1278, SD 1, HD 2
 S.B. No. 1281, SD 1, HD 1
 S.B. No. 1282, SD 1, HD 1
 S.B. No. 1284, SD 2, HD 1
 S.B. No. 1285, SD 2, HD 1
 S.B. No. 1288, SD 1, HD 1
 S.B. No. 1290, SD 1, HD 2
 S.B. No. 1291, SD 2, HD 2
 S.B. No. 1292, HD 1
 S.B. No. 1293, HD 2
 S.B. No. 1300, SD 2, HD 2
 S.B. No. 1311, SD 2, HD 1
 S.B. No. 1324, SD 2, HD 2
 S.B. No. 1325, SD 1, HD 1
 S.B. No. 1327, SD 2, HD 1
 S.B. No. 1328, SD 1, HD 2
 S.B. No. 1329, SD 1, HD 2
 S.B. No. 1331, SD 2, HD 2
 S.B. No. 1332, SD 2, HD 2
 S.B. No. 1341, SD 2, HD 1
 S.B. No. 1347, SD 1, HD 2
 S.B. No. 1348, SD 2, HD 3
 S.B. No. 1349, SD 1, HD 1
 S.B. No. 1355, SD 1, HD 2
 S.B. No. 1356, SD 1, HD 1
 S.B. No. 1358, SD 2, HD 2
 S.B. No. 1360, SD 1, HD 2
 S.B. No. 1363, SD 2, HD 2
 S.B. No. 1382, SD 2, HD 1
 S.B. No. 1383, SD 2, HD 2
 S.B. No. 1385, SD 2, HD 2
 S.B. No. 1386, SD 1, HD 1
 S.B. No. 1393, SD 2, HD 2
 S.B. No. 1394, SD 1, HD 1
 S.B. No. 1458, SD 2, HD 3
 S.B. No. 1485, SD 1, HD 1
 S.B. No. 1491, SD 1, HD 1
 S.B. No. 1493, SD 1, HD 3
 S.B. No. 1496, SD 1, HD 1
 S.B. No. 1503, SD 2, HD 1

S.B. No. 1511, SD 1, HD 2
 S.B. No. 1519, SD 3, HD 2
 S.B. No. 1520, SD 2, HD 3
 S.B. No. 1522, SD 2, HD 1
 S.B. No. 1530, SD 1, HD 2
 S.B. No. 1549, SD 2, HD 1
 S.B. No. 1555, SD 2, HD 2

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative C. Lee introduced Ms. Kat Brady and Kailua Neighborhood Board Chair, Mr. Chuck Prentiss.

Representative Choy introduced his friend, Mr. John Roberts, a CPA from Maui.

Representative Tokioka, on behalf of Representative Kawakami and himself, introduced the Board members and staff of the Kauai Island Utility Cooperative: Mr. Peter Yukimura, Mr. Phil Tacbian, Mr. Steve Rapozo, Mr. Allan Smith, Ms. Carol Bain, Mr. Ben Sullivan, Mr. David Bissell, Mr. Cary Koide, Mr. Jan TenBruggencate, and Mr. John Cox. They were accompanied by Ms. Linda Rosehill.

Representative Takumi introduced Brig. Gen. (ret) Norman E. Arflact, Executive Director of the Interstate Commission on Education Opportunity for Military Children.

Representative Takumi also introduced Mr. Rick Masters, General Counsel for the Interstate Commission; and Brig. Gen. (ret) Kathy Berg, State Commissioner for the Interstate Compact for Education Opportunity for Military Children, Hawaii State Council. They were accompanied by Ms. Kristine Duong of Representative Takai's office.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1622) recommending that H.R. No. 225, HD 1, as amended in HD 2, 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. 225, HD 2, entitled: "HOUSE RESOLUTION URGING THE USE OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY-CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS, AND IN CONDOMINIUMS AND OTHER HIGH RISES THAT DO NOT HAVE SPRINKLER SYSTEMS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1623) recommending that H.C.R. No. 263, HD 1, as amended in HD 2, 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. 263, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE USE OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY- CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS, AND IN CONDOMINIUMS AND OTHER HIGH RISES THAT DO NOT HAVE SPRINKLER SYSTEMS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1624) recommending that H.C.R. No. 231, 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. 231, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE RATIFICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1625) recommending that H.R. No. 24, be adopted; and

(Stand. Com. Rep. No. 1626) recommending that H.C.R. No. 27, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 24; and H.C.R. No. 27, be adopted, seconded by Representative Evans.

Representative Ching rose in support of both measures 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 support of HR24 and HCR27. According to Rosebella Martinez, the President of Ewa Historic Society, Hawaii plantation housing is one of the unique architectural styles of the Hawaii Islands. The houses were built by sugar plantation owners to house the workers who were imported from Japan, China, and Philippines. The structures are single wall construction of cedar shingle roofs and pier post on lava rock foundations. They are now preserved for their historic value.

"In 1936, Ewa was a thriving plantation town with eight separate housing villages. Today an ambitious renovation project aimed to bring vitality back to the three remaining villages - Tenney, Renton, and Varona is a reality. In the community that dates back to the 1920s, more than 250 historic plantation homes were renovated and sold at an affordable price to the original residents. The restoration of the historic building in addition to new utilities, widened roads and new infrastructure improvements brought a new life to a community that will preserve the areas unique historic and cultural feel of the plantation era. Thank you."

Representative Cabanilla rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I want to affirm the importance of preserving historic Ewa Villages. This settlement dates back to the 1920s, and due to the hard work of many people in our community, it has been preserved in its original state.

"We realize that, even though Ewa Villages is a designated historical district, property owners will want to build or upgrade their properties. As these property owners must abide by the same restrictions as the original properties, we feel that it is only fair to give them the same property tax exemptions.

"Mr. Speaker and colleagues, I respectfully request that we adopt HCR27 and HR24, which will help support the continuation of historical districts such as Ewa Villages."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 24, entitled: "HOUSE RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1627) recommending that H.R. No. 29, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1628) recommending that H.C.R. No. 34, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 29, HD 1; and H.C.R. No. 34, HD 1, be adopted, seconded by Representative Evans.

Representative Takai rose to speak in support of both measures, stating:

"Thank you, in strong support with written comments, please."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. Currently, in the general yearly audit reports by the State Auditor of the Department of Education (DOE), it is unclear as to whether there is mismanagement of funds at the school, district, or Department level as these are purely financial audits that examine the overall budget and spending.

"However, several of the State Auditor's reports criticized the Department for not being able to implement an effective system of accountability. The specific concern of how the DOE monitors procurement or purchases within the Department came up in the State Auditor's report in February 2009.

"The Auditor's 2009 report states that DOE's officials cannot assure the Legislature that their new responsibilities and powers have indeed come with accountability. The Auditor and Grant Thornton, a contracted firm, found that the DOE had not been monitoring procurement and there were in fact numerous instances of non-compliance and violations of procurement rules and regulations and even potential fraud.

"The report goes on to say that the reason for the multiple violations stemmed from a lack of leadership and controls which in turn permitted a culture of indifference toward procurement and unconcern for procurement rules. Procurement accountability was not an issue until the passage of Act 51.

"Superintendent Patricia Hamamoto addressed the Legislature in 2004, calling for a transformation of the system, including giving the Department the resources and authority to carry out its capital repair and maintenance project by de-linking the DOE from other State agencies such as the Department of Accounting and General Services. The resulting Act 51, Hawaii Reinventing Education Act of 2004, empowered the DOE to manage its own procurement of goods and services.

"Hamamoto promised full accountability, but did not develop clear policies or controls regarding procurement, and rather delegated the responsibilities of overseeing procurement down the line to the point where individuals and staff were allowed to regulate their own purchases.

"These resolutions will force the DOE to take a good, hard look at how they are doing business in educating our *keiki*. Unfortunately, given the DOE's track record, I foresee that this will not be the last resolution of its kind that will pass through this House. Thank you."

Representative Ching rose in support of both measures 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 support of HR 29 and HCR 34. This concept was introduced by Minority Caucus sometime ago.

"According to the staff attorney at the Hawaii Disability Rights Center, Hawaii ranks at the bottom of the country in terms of the quality and quantity of its special education. It ends secondary education and special education earlier than 48 states and denies meaningful vocational training for older students. Hawaii's special education achievement levels rank 49th among the states. Hawaii ranks third per capita in the number of special education due process cases filed therefore; the audit of the DOE should not only examine how funds are used at the administration level, but also at the district and school level. 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. 29, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 34, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1629) recommending that H.R. No. 38, HD 1, be adopted; and

(Stand. Com. Rep. No. 1630) recommending that H.C.R. No. 44, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 38, HD 1; and H.C.R. No. 44, HD 1, be adopted, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict for these two resolutions. My law firm is involved in litigation regarding the compact and the benefits association impact. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 38, HD 1, 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 adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 44, HD 1, 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 adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1631) recommending that H.R. No. 39, be adopted; and

(Stand. Com. Rep. No. 1632) recommending that H.C.R. No. 45, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 39; and H.C.R. No. 45, be adopted, seconded by Representative Evans.

Representative Yamane rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.C.R. 45 and its companion, H.R. 39, which requests the Hawaii State Department of Transportation to conduct a feasibility study relating to safety improvements on Roosevelt Bridge.

"Mr. Speaker, Roosevelt Bridge was built in 1933, when fields of pineapple and sugar cane stood where Mililani and Waipio stand today. The bridge was conceived long before these two towns were built, and was not designed to withstand the present-day suburban reality of the region.

"Because of this, the 78-year-old bridge is definitely showing its age. The bridge is very narrow and provides drivers with limited visibility, especially at night. It has been the site of numerous accidents, many of them fatal. Further, flooding has closed the bridge on numerous occasions.

"The residents of Waipio Gentry and Mililani have long had concerns regarding vehicular safety on the bridge. The State needs to look at what options we have to improve the bridge. The Department of Transportation has suggested some alternatives, including realigning the roadway in such a way that rebuilding Roosevelt Bridge would be possible, or building a second, parallel bridge next to the existing Roosevelt Bridge to improve capacity and safety. A feasibility study would allow us to determine what the best route for us is in moving forward. For these reasons, Mr. Speaker, I support the adoption of these resolutions. 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. 39, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY RELATING TO SAFETY IMPROVEMENTS ON ROOSEVELT BRIDGE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A FEASIBILITY STUDY RELATING TO SAFETY IMPROVEMENTS ON ROOSEVELT BRIDGE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1633) recommending that H.R. No. 48, be adopted; and

(Stand. Com. Rep. No. 1634) recommending that H.C.R. No. 55, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 48; and H.C.R. No. 55, be adopted, seconded by Representative Evans.

Representative M. Lee rose to speak in support of both measures, stating:

"Mr. Speaker. On Stand. Com. Rep. Nos. 1633 and 1634, in strong support with written comments. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in strong support. According to Dr. R. Sean Morrison, Hermann Merkin Professor of Palliative Care at the Mount Sinai School of Medicine, "Palliative care is specialized healthcare for anyone who is diagnosed with a serious and life-threatening illness, starting when they get the diagnosis, regardless of the prognosis." Palliative care means patient and family-centered care that optimizes quality of life by anticipating, preventing, and treating suffering. Palliative care throughout the continuum of illness involves addressing physical, intellectual, emotional, social, and spiritual needs to facilitate patient autonomy, access to information, and choice.

"These days, if you make it to 65, you will probably live beyond 82. The numbers of older citizens and people living with chronic diseases are increasing. Palliative care is often the most desirable and effective care for many of these people as well as a cost effective choice.

"Palliative care improves the quality of life. Growing bodies of research support the use of palliative care. Palliative care is recognized as a medical sub-specialty by internal medicine and family medicine boards. Palliative care supports physicians with guidance in how to deal with a patient's need for a plan to proceed with their illness—helping them set goals and suggesting bedside management of symptoms. Palliative care is usually cost effective or cost neutral.

"People have a right to know about palliative care. Standards, however, that apply to specific situations need to be established. National Health Care reform included recommendations for the National Institutes of Health to provide more research funding for palliative care. Palliative care is not just about better end of life care, but it is about improving care for people with serious or life-threatening illness throughout their lives.

"Famous science fiction writer Isaac Asimov once said, "Life is pleasant. Death is peaceful. It's the transition that's troublesome." Palliative care can ease this transition. I urge the Members to support these resolutions."

Representative Cabanilla rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I am in strong support of HCR55/HR48, which requests the development and implementation of a pain and palliative care policy. According to Dr. R. Sean Morrison, Hermann Merkin Professor of Palliative Care at the Mount Sinai School of Medicine, "Palliative care is specialized healthcare for anyone who is diagnosed with a serious and life-threatening illness, starting when they get the diagnosis, regardless of the prognosis." Palliative care means patient and family centered care that optimizes quality of life by anticipating, preventing, and treating suffering. Palliative care throughout the continuum of illness involves addressing physical, intellectual, emotional, social, and spiritual needs to facilitate patient autonomy, access to information, and choice.

"Mr. Speaker, as Hawaii's population ages, and as the field of palliative care advances, it is critical that we keep up with advances and ensure that our doctors and nurses are utilizing the most up to date and appropriate treatment for individuals with life-threatening illnesses and chronic pain.

"Mr. Speaker, colleagues, I urge your support of these resolutions."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 48, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND

IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1635) recommending that H.R. No. 60, HD 1, be adopted; and

(Stand. Com. Rep. No. 1636) recommending that H.C.R. No. 67, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 60, HD 1; and H.C.R. No. 67, HD 1, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in strong support. Thank you. HR 60, HD 1, and HCR 67, HD 1 are resolutions that are long overdue. The cultural significance of our island state in relation to other islands in Oceania is immeasurable. As shared by the Hawaii Navigator Nainoa Thompson, our ocean is what connects us. It is not what divides us.

"I applaud the collaboration that had ensued during our House International Affairs hearing by members to strengthen this measure, and I look forward to its passage. And I hope that the Members of this House subscribe to the same thought. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 60, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE ISLANDS OF OCEANIA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE ISLANDS OF OCEANIA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1637) recommending that H.R. No. 76, 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. 76, entitled: "HOUSE RESOLUTION STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1638) recommending that H.C.R. No. 82, 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. 82, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE PEST CONTROL BOARD TO DEVELOP STANDARDS FOR PEST CONTROL OPERATORS AND TERMITE INSPECTION

REPORTS, AND TO ADOPT THOSE STANDARDS PRIOR TO THE CONVENING OF THE 2013 REGULAR SESSION OF THE HAWAII LEGISLATURE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1639) recommending that H.R. No. 77, 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. 77, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1640) recommending that H.C.R. No. 84, 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. 84, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE, IN COOPERATION WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONVENE A WORKING GROUP TO EVALUATE THE CURRENT LAWS, RULES, AND STANDARDS OF PRACTICE REGARDING HIGH RISK PLANTS REQUIRING INTERVENTION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1641) recommending that H.R. No. 78, HD 1, be adopted; and

(Stand. Com. Rep. No. 1642) recommending that H.C.R. No. 85, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 78, HD 1; and H.C.R. No. 85, HD 1, be adopted, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Jordan 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 Jordan's written remarks are as follows:

"I would like to express my reservations on HR78 and HCR85, which urges the Department of Land and Natural Resources (DLNR) to determine if the lands along the Waipio and Waipahu shorelines are accreted and therefore State property for prospective use as a State park.

"I have reservations about these resolutions due to the testimony presented by DLNR. DLNR has indicated that if they take ownership of the land, it will burden the Department with substantial costs in both staff time and funding. They would have to establish if the accretion is natural and permanent, perform ground surveys, initiate clean-up actions, and provide on-going maintenance of the land. DLNR has already faced a 10% loss of positions over the past 3 years. These resolutions would further burden the Department's functioning."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 78, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1643) recommending that H.R. No. 91, HD 1, as amended in HD 2, 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. 91, HD 2, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LOCATE LAND SUITABLE TO CONSTRUCT A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1644) recommending that H.C.R. No. 100, HD 1, as amended in HD 2, 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. 100, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LOCATE LAND SUITABLE TO CONSTRUCT A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1645) recommending that H.R. No. 92, be adopted; and

(Stand. Com. Rep. No. 1646) recommending that H.C.R. No. 101, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 92; and H.C.R. No. 101, be adopted, seconded by Representative Evans.

Representative M. Lee rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support with written comments. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in strong support. These resolutions seek to improve traffic congestion at Mililani Interchange of the H-2 freeway, which has gotten worse over the years. Mililani Mauka is one-way-in, and one-way-out so residents in Mililani Mauka have no other option aside from waiting in traffic every weekday morning. The present H-2 freeway interchange configuration limits access to H-2 from Mililani Mauka to one lane, as

opposed to two entry lanes from Mililani. This causes severe traffic backups and added travel time during the morning commute.

"I believe the implementation of these resolutions will improve traffic congestion at the Mililani Interchange of the H-2 freeway, and make the morning commute for Mililani Mauka residents bearable. For these reasons, I ask the Members' support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 92, entitled: "HOUSE RESOLUTION REQUESTING A PILOT PROJECT TO STUDY AND REDUCE THE MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H-2 FREEWAY FROM MILILANI MAUKA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PILOT PROJECT TO STUDY AND REDUCE THE MORNING TRAFFIC CONGESTION ON THE MEHEULA PARKWAY GOING ONTO THE H-2 FREEWAY FROM MILILANI MAUKA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1647) recommending that H.R. No. 95, HD 1, be adopted; and

(Stand. Com. Rep. No. 1648) recommending that H.C.R. No. 104, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 95, HD 1; and H.C.R. No. 104, HD 1, be adopted, seconded by Representative Evans.

Representative Hashem rose to speak in support of both measures, stating:

"Mr. Speaker. In strong support and written comments. Thank you."

Representative Hashem's written remarks are as follows:

"It is only right that the State of Hawaii restore Kalauha'iha'i. This historic landmark was once the summer home of King Kamehameha the Great and Queen Ka'ahumanu. When the Department of Transportation widened Kalaniana'ole Highway in the 1990s they transferred the power lines under ground and blocked the flow of water to the fishpond. There used to be over a million gallons a day of fresh water flowing to this pond.

"By reducing the utility and sewer load and repairing an artery to allow traditional water flow to Kalauha'iha'i Fishpond and Maunaloa Bay we can bring back the thriving ecosystem that once flourished here. Thank you, Mr. Speaker."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Ward rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ward's written remarks are as follows:

"Mr. Speaker. I rise in support of House Resolution 95 and its companion concurrent resolution, HCR 104. These resolutions request the State Department of Transportation, in consultation with the Board of Land and Natural Resources, to conduct a study on reducing the sewer and utility line load by repairing an artery to allow the traditional water flow into Kalauha'iha'i fishpond and Maunaloa Bay.

"The purpose of this study would be to determine ways to restore the natural flow of waters into these two bodies to help restore the ecosystem,

improve the environmental quality of Maunaloa Bay and mitigate potential environmental damage to the coast line in this area.

"Reportedly in the early 1990s during the widening of Kalaniana'ole Highway lava tubes that connected the pond and bay to a natural spring and artesian well were ruptured. This interrupted the fresh water flow and changed the salinity of the pond and bay encouraging the growth of salt water algae and other species.

"A study could determine the most cost effective and least disruptive manner in which the flow of water could be restored. For these reasons I support passage of these resolutions."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 95, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALOA BAY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 104, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'IHA'I FISHPOND AND MAUNALOA BAY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1649) recommending that H.R. No. 108, be adopted; and

(Stand. Com. Rep. No. 1650) recommending that H.C.R. No. 124, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 108; and H.C.R. No. 124, be adopted, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm I'm working with the Hawaii Farm Bureau on procurement policies related to the local preference. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR

HAWAII'S CITIZENS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1651) recommending that H.R. No. 117, 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. 117, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1652) recommending that H.C.R. No. 137, 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. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ASSESS THE IMPACT OF DIVERTING DRUG POSSESSION OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM TO DRUG TREATMENT PROGRAMS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1653) recommending that H.R. No. 139, be adopted; and

(Stand. Com. Rep. No. 1654) recommending that H.C.R. No. 159, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 139; and H.C.R. No. 159, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker. This is why I missed the earlier reso, because I didn't want to say what I said before, but this is probably the third or the fourth time I'm going to be voting no on the State Bank, Mr. Speaker. If it's possible to have inserted in the Journal all the reasons I said before, but this one, primarily now is because the reso ends with an implementation clause that says that all these recommendations are put into a plan. Which means it's kind of a done deal already. And task forces usually say things like feasibility study. It's a go, or no go. This one already has prejudged that it's a go.

"State banks, just because there's one in North Dakota that after 90 years is profitable, doesn't mean it's going to be good for us. And, Mr. Speaker, government has not been very good in showing that we are a business friendly state. In fact, I would think that the business community is going to look at this, particularly if they're in banking or finance or investment capital and say, this proves it. Hawaii's not open for business because they themselves think they're better in doing banking than the private sector. And for those reasons and my previous reasons I vote no. Thank you."

Representative M. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support. There are a couple of points I need to make. First of all, let's break this down into five major points. I think we need to understand that nearly 24,000 Hawaii families have lost their homes to foreclosure in the last three years since the banking crisis and the Great Recession began back in 2008. And those are primarily commercial banks that were referred to by the previous speaker.

"Also, Mr. Speaker, Hawaii has lost about 33,000 jobs and seen more than 200 small businesses go bankrupt in the first two years of the Great Recession. Many of them went bankrupt because they could not get loans.

"From 2007 to 2010, the amount of money loaned to Hawaii's businesses through the Small Business Administration 7(a) Program fell by 36% thereby taking away from small business much needed capital.

"Fourth, Mr. Speaker, at the Bank of America the number of business card loans fell by 50% from 2007 through 2009 with a value of those loans falling by nearly 70%.

"Mr. Speaker, the Bank of North Dakota doesn't compete with local community banks. It supports them by primarily creating a crowding in effect. From 2007 to 2009 through the trough of the financial crisis, the Great Recession, the Bank of North Dakota's participation loans with local banks actually grew by 35%. At the same time, Mr. Speaker, the Bank of North Dakota returned \$60 million in revenue to the state treasury in North Dakota allowing the state to both cut taxes and balance their budget during the Great Recession.

"And finally, Mr. Speaker, a fully operational State Bank may help Hawaii's community banks expand lending by \$1.7 billion and lead to approximately 3,000 new small businesses and agricultural jobs in the first 3 to 5 years. This will all be accomplished at a great profit for the citizens and taxpayers in the State of Hawaii. May I add additional comments? Thank you."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Concurrent Resolution No. 159 and House Resolution No. 139, Creating the Task Force on Establishing the Bank of the State of Hawaii.

"These resolutions would create a two-year task force that would study the issue of a state-owned bank, starting with the model of the Bank of North Dakota, looking at the feasibility of a state-owned bank in Hawaii, and how such a bank may affect the local economy.

"The financial crisis that many have referred to as the Great Recession has caused nearly 24,000 Hawaii families to lose their homes to foreclosure. Hawaii has lost more than 33,350 jobs and has seen more than 200 small businesses go bankrupt—many because they could not access credit, refinance loans, or obtain alternative finances.

"Simultaneously, the amount of money loaned to Hawaii businesses from 2007 to 2010 through the Small Business Administration 7(a) Loan Guarantee Program—designed to help small entrepreneurs start or expand their businesses—fell by 36 percent, leaving businesses without much-needed funds. At Bank of America, the number of business card loans fell by 50 percent from 2007 to 2009—and the value of those loans fell by 68 percent.

"Our local families and communities are in the middle of a huge financial crisis. And we must be willing to consider and look for new and innovative solutions to the problems facing our neighbors and our small businesses. This task force is one proposal worth exploring.

"From 2007 to 2009, the Bank of North Dakota returned \$60 million in revenue to the state treasury, allowing North Dakota to both cut taxes and balance their budget during the worst of the recession while growing participation loans with local banks by 35 percent. Rather than competing against local banks, the Bank of North Dakota works with local community banks to provide overnight loan solvency and "banker's bank" services every day and when they need it most.

"With a track record as impressive as the Bank of North Dakota's, it is clear why several states (e.g. Oregon, Washington, Vermont, Maryland, etc.) all across the country are looking at state-owned banks to see if they make sense for their community.

"According to a recent study by the Center for State Innovation, a fully-operational state bank would help Hawaii's community banks expand lending by \$1.7 billion and would lead to 2,840 new small business and farm jobs in the first three to five years—at a profit. The annual dividend from a fully-operational state bank would mean \$61 million a year for Hawaii's general fund.

"Through investing in local banks and partnering with them on large loans, a state-owned bank would be able to help free up local bank capital for even more lending. Freeing up bank capital is vital—especially when federal funds, whether for disaster relief or health care reimbursements, are slow in reaching our State. As opposed to playing the market and seeing how a simple investment can cause disastrous results for the State, a state-owned bank is one way that we can diversify and help our economy.

"We have a fiduciary duty to our State to explore every opportunity that comes our way for economic security and development. As such, we must be willing to have a discussion, to study and listen to other ideas that have worked in other states. There is no danger in a study—it is a responsible first step towards opening the doors of our minds to a new idea. Let us take this opportunity to look at growing our economy and our state in new and innovative ways.

"Thank you, Mr. Speaker, for this opportunity to insert written comments."

Representative Fontaine rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to both measures, stating:

"Mr. Speaker, likewise I will vote no and would like to make a couple of comments. I really don't think the State has any expertise in running a bank, and I don't think our civil servants have much background to work in a bank and so I do think it would hurt our local banks.

"Our mortgage problem was primarily because of mainland banks and mortgage brokers. One particular mainland bank held 60% of all the foreclosures and was responsible for 60% of all the foreclosures in the past couple of years. So I wouldn't blame the local banks for all the foreclosure problems. I think we should support them rather than go into competition with them. Thank you."

Representative Ching rose in opposition to both measures and asked that the remarks of Representative Marumoto be entered into the Journal as her own, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition of HR 139, HCR 159. The main concern is simply that public funds being deposited into a State bank would be insured by the State itself. Without the benefit of being insured by a separate entity like the National Credit Union Administration (which insures and oversees all credit unions in the State of Hawaii), the State would be in an extremely precarious situation in the event of any financial difficulty within the bank. Thank you."

Representative Pine rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Takumi rose to speak in support of both measures, stating:

"Thank you very much, Mr. Speaker. In support. I thank the introducers of these resolutions. I've always been in favor of at least looking at the possibility of creating a State Bank after seeing what has happened in North Dakota and the success they've had with a state owned bank for many decades.

"I would urge Members to read the resolutions and see what it says in terms of what it resolves to do, particularly on page 4 at the end it says,

that the task force will look at the feasibility, not the guarantee, not the absolute possibility, but the feasibility of creating the Bank of the State of Hawaii. What that tells me, Mr. Speaker, is that this task force, which by the way would be made up of representatives both from the credit union and banking industry, not to mention a representative will be appointed by the Minority Leader of the House so they will all have a seat at the table to at least look at whether or not this makes sense for Hawaii.

"Yes, we're not North Dakota. We're a little warmer than them. But nevertheless why don't we at least study the possibilities. It seems to me those who are opposed to this resolution are saying, I've made up my mind. Don't tell me what the facts are. Don't confuse me with the facts. I'm opposed to it.

"It seems to me as responsible policy makers that we ought to at least entertain the possibility of whether or not this makes sense. And when they come back next year with the report, we will have a full debate as we always do on many issues, and at that point we can weigh what the report says. We can weigh whether or not this makes sense, and then take action accordingly. Thank you, Mr. Speaker."

Representative Jordan rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I stand in support of HR139 and HCR159, which create a task force to establish the Bank of the State of Hawaii. This task force would explore the model established in North Dakota, which is able to provide economic stability to the state during times of economic crisis. The Bank of North Dakota is able to create loan programs to spur economic development within the state, using the capital and resources of its own population. It is also able to put bank profits back into the general fund, using state money as a resource for its own growth. A task force would allow for better understanding of how a state bank would work in Hawaii and the benefits it would provide.

"A state bank of Hawaii could make credit more available to our people, providing consistent capital lending regardless of the economic conditions. I agree with the testimony submitted by the Hawaii Alliance for Community Based Economic Development, who said, that "The creation of a state bank has the potential to build a unique asset base for the state and the evaluation of this model is an appropriate step." Once we establish the feasibility of creating a State bank, we will be able to take appropriate action."

Representative M. Lee rose to speak in support of both measures, stating:

"Mr. Speaker, in support. And I'd like to insert the words of support that I gave when we first discussed this issue, and I'd like to have the words of the Chair of Education and the Chair of Finance entered in the Journal as well. Thank you." (By reference only.)

Representative Tsuji rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In support. I support creating a task force for establishing this State Bank of Hawaii. It really is a concept that is modeled after the successfully continuing institution in the State of North Dakota. I believe this concept of the state bank is not really for competition, but complementing and working side by side, and providing financial assistance and sustainability within the State of Hawaii. Further written comments to be submitted. Thank you."

Representative Tsuji's written remarks are as follows:

"HCR159/HR 139 would create a task force that will explore the impact of a Bank of the State of Hawaii on economic and community development. I am a former banker with 30 plus years in the industry. Combined with my current role as House Agriculture Chair, I feel that this proposal would benefit farming ventures. Creative revenue building initiatives during these tough economic times are prudent, especially

because existing government resources are challenged to adequately support community needs.

"A state-owned bank could provide access to loans/credit for new farmers who are the future of Hawaii's agriculture industry. In that regard, I am in support of the measures."

Representative Ward rose to respond, stating:

"Mr. Speaker, I know we don't debate resos because they're just resos. I say this because there are very few bills that have become really ideological oriented. 80% of our stuff is executive tweaking, and maybe 10% are party related. But this is really big picture ideology. This is macroeconomics. And from my perspective and the perspective that the private sector does better than the public sector, this is stepping over a line by which I say we have to stop, think, listen and learn.

"Listen and learn, vis-à-vis what we've done already as a loan provider in DBEDT. Has anybody ever heard of the great successes or failures of the DBEDT loan program? How about the Department of Agriculture? We have not been able to do that, Mr. Speaker. The record says we are not qualified or capable.

"And I guess the bottom line is if this does pass, and it does go through, I would hope that they wouldn't go to the original draft that says, Governor Abercrombie's going to be the Chairman of the Board, and his political appointees are going to be the Board members. I hope if there is something that comes out of this and it is feasible, that the implementation plan will have at least private sector principles. Because of that macro ideological impact I've just felt compelled to say something more than just letting 'a reso' go by. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 139, entitled: "HOUSE RESOLUTION CREATING THE TASK FORCE ON ESTABLISHING THE BANK OF THE STATE OF HAWAII," was adopted, with Representatives Ching, Fontaine, Marumoto, Pine and Ward voting no, and with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION CREATING THE TASK FORCE ON ESTABLISHING THE BANK OF THE STATE OF HAWAII," was adopted, with Representatives Ching, Fontaine, Marumoto, Pine and Ward voting no, and with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1655) recommending that H.R. No. 142, be adopted; and

(Stand. Com. Rep. No. 1656) recommending that H.C.R. No. 163, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 142; and H.C.R. No. 163, be adopted, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Coffman rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Coffman's written remarks are as follows:

"Establishing a multi-purpose and intergenerational veterans' center in West Hawaii will be beneficial to the residents of the entire Island of Hawaii. Sixty acres will be able to provide a permanent home for the Office of Veterans Services, upgrading the National Guard Armory, all

while serving as an emergency public shelter for West Hawaii when needed."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1657) recommending that H.R. No. 144, be adopted; and

(Stand. Com. Rep. No. 1658) recommending that H.C.R. No. 165, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 144; and H.C.R. No. 165, be adopted, seconded by Representative Evans.

Representative M. Oshiro rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Concurrent Resolution No. 165 and House Resolution No. 144, Requesting the Department of Accounting and General Services to Allow State-Owned Lands to be Used by Community Groups for an Open Market in Wahiawa. The targeted site for this endeavor is the current Wahiawa Civic Center area located across from the Wahiawa Shopping Center and adjacent to the Wahiawa General Hospital, bordered by the library, post office, and the City and County Bus Depot. This central location, easily accessible and with plenty of parking, would be a good location for periodic markets, similar to those held at Mililani High School and Kapiolani Community College.

"The adoption of these resolutions would be an important first step towards establishing an open market in Wahiawa and would help support the strong agricultural community that exists within the area.

"Agriculture in Hawaii is a vital and historical part of our economy, supporting more than 40,000 jobs and generating an estimated \$2.9 billion to the State's annual economy. Historically, the Polynesian voyagers who first traveled to Hawaii brought with them familiar plants to grow and harvest, ensuring they would be able to provide for themselves in a new land. The plantation era in Hawaii brought the rise of sugar and pineapple, and thousands of acres of Hawaii were utilized as agricultural lands.

"However, today, as one of the oldest economic industries, agriculture is often overlooked in favor of new, up-and-coming ideas for economic assistance. We must take every opportunity we have to ensure that this historical and vital industry has the staunch support that it requires.

"Open markets allow consumers to have access to locally grown, farm-fresh produce which ultimately supports Hawaii's agricultural industry by providing market sites for local farmers, fishermen, and their representatives to sell their products and to develop personal relationships with their customers. They help both the consumers and the producers, creating a symbiotic partnership that protects and promotes our agricultural industry.

"As the home of pineapple, one of Hawaii's first agricultural industries, my hometown of Wahiawa has a deep rooted pride in agriculture. We hold annual events like the Wahiawa Pineapple Run and the Wahiawa Pineapple Festival and Parade, which celebrate our history and our cultural ties to agriculture.

"Wahiawa is home to one of the only four egg farms left on Oahu—the Peterson Upland Egg Farm—which recently celebrated its 100th anniversary. We also have a high school program dedicated specifically to agriculture—Leilehua High School's "Natural Resources Pathway," which has a specific "Agricultural Academy," where classroom study is combined with outdoor laboratory activities and the Future Farmers of America program. Wahiawa's dedication to agriculture is indisputable—our past, our present, and our future all show our reliance and benefit.

"For these aforementioned reasons, I stand in strong support of these measures. Wahiawa's agricultural ties make it an ideal place for the establishment of an open market—both for the consumers and the farmers and fishermen who provide the farm-fresh, local produce. It is my firm belief that we should support our agricultural community at every opportunity that is presented.

"Thank you, Mr. Speaker, for allowing me the opportunity to insert written comments."

Representative Hanohano 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. 144, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1659) recommending that H.R. No. 157, be adopted; and

(Stand. Com. Rep. No. 1660) recommending that H.C.R. No. 183, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 157; and H.C.R. No. 183, be adopted, seconded by Representative Evans.

Representative Fontaine rose to speak in support of both measures, stating:

"Yes, Mr. Speaker, in strong support with written comments."

Representative Fontaine's written remarks are as follows:

"Mr. Speaker, I rise in support. The 9.0 Honshu Earthquake, on March 11, 2011, caused millions of dollars in damages. HCR183/HR157 encourages the County of Maui and the County of Hawaii to apply for federal relief funds to aid in the recovery of important harbors that were severely damaged. With federal funds, we can restore businesses, properties, and major harbors back to working condition."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1661) recommending that H.R. No. 158, be adopted; and

(Stand. Com. Rep. No. 1662) recommending that H.C.R. No. 184, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 158; and H.C.R. No. 184, be adopted, seconded by Representative Evans.

Representative Cullen rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I submit written comments in strong support of Standing Committee Reports 1661 and 1662 for respectively, House Resolution 158 and House Concurrent Resolution 184, urging the City and County of Honolulu to construct a crosswalk on upper Aiki Street along Kupuna Loop in Village Park for pedestrian safety.

"This cross walk would provide a clear path for those residents and another tool that drivers may use to slowdown and identify pedestrians. Each year, Hawaii residents are either injured or killed due to the lack of existing or functioning crosswalks. Installing this crosswalk will hopefully help to decrease the number of people injured each year."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 158, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A CROSSWALK ON UPPER AIKI STREET ALONG KUPUNA LOOP IN VILLAGE PARK FOR PEDESTRIAN SAFETY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A CROSSWALK ON UPPER AIKI STREET ALONG KUPUNA LOOP IN VILLAGE PARK FOR PEDESTRIAN SAFETY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1663) recommending that H.R. No. 159, be adopted; and

(Stand. Com. Rep. No. 1664) recommending that H.C.R. No. 185, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 159; and H.C.R. No. 185, be adopted, seconded by Representative Evans.

Representative Cullen rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I submit written comments in strong support of Standing Committee Reports 1663 and 1664 for respectively, House Resolution 159 and House Concurrent Resolution 185, urging the City and County of Honolulu to construct a left-turn signal and left-storage lane for motorists traveling on Lumiaina Street and turning onto Kamehameha Highway to ease traffic congestion and add to the residents quality of life.

"This particular area in my district has been the concern of many residents, especially during the morning and afternoon traffic hours. Because there is no designated traffic light signal nor lane for the left turn onto Kamehameha Highway, traffic becomes increasingly congested, compounding on the actual amount of time it should take to exit the Waialeale and Waipio Gentry neighborhoods. Adding a left-turn signal and storage lane will help to alleviate such congestion, as well as become a more efficient and safe route for local residents."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 159, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A LEFT-TURN SIGNAL AND LEFT-STORAGE LANE FOR MOTORISTS TRAVELING ON LUMIAINA STREET AND TURNING ONTO KAMEHAMEHA HIGHWAY TO EASE TRAFFIC CONGESTION IN WAIKELE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A LEFT-TURN SIGNAL AND LEFT-STORAGE LANE FOR MOTORISTS TRAVELING ON LUMIAINA STREET AND TURNING ONTO KAMEHAMEHA HIGHWAY TO EASE TRAFFIC CONGESTION IN WAIKELE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1665) recommending that H.R. No. 160, be adopted; and

(Stand. Com. Rep. No. 1666) recommending that H.C.R. No. 186, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 160; and H.C.R. No. 186, be adopted, seconded by Representative Evans.

Representative Cullen rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I submit written comments in strong support of Standing Committee Reports 1665 and 1666 for respectively, House Resolution 160 and House Concurrent Resolution 186, urging the City and County of Honolulu to construct a traffic light signal at the intersection of Honowai and Waipahu Streets to relieve traffic congestion and provide a safer way for pedestrians to cross the street.

"This particular intersection sees heavy traffic throughout the day, entering and exiting this Waipahu neighborhood on Honowai Street can be difficult. A number of accidents have already occurred and in order to

prevent more from happening, it is pertinent that a traffic signal is installed."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 160, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A TRAFFIC LIGHT SIGNAL AT THE INTERSECTION OF HONOWAI AND WAIPAHU STREETS IN WAIPAHU TO RELIEVE TRAFFIC CONGESTION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO CONSTRUCT A TRAFFIC LIGHT SIGNAL AT THE INTERSECTION OF HONOWAI AND WAIPAHU STREETS IN WAIPAHU TO RELIEVE TRAFFIC CONGESTION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1667) recommending that H.R. No. 162, be adopted; and

(Stand. Com. Rep. No. 1668) recommending that H.C.R. No. 188, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 162; and H.C.R. No. 188, be adopted, seconded by Representative Evans.

Representative Aquino rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of HR 162 and HCR 188. Mr. Speaker, these resolutions provide a possible answer to traffic and pedestrian issues in this area of Waipahu. Currently, Managers Drive along with the adjoining Hiapo street intersection present several safety issues.

"First, Managers Drive connects lower Waipahu and Waialeale – a straight thoroughfare. This allows on many occasions of drivers operating their vehicles at high rates of speed in the area, which can be dangerous for homes and individuals.

"The second issue is pedestrian safety. Due to the speeding cars, most residents are concerned about pedestrians who would like to cross Managers Drive and Hiapo Street.

"Mr. Speaker, these resolutions seek protection for residents and homes in the area. Urging our City's Transportation Department to install a four-way stop at the intersection will help to reduce speeding in the area and provide safe access for pedestrians to safely cross. For these reasons Mr. Speaker, I speak in strong favor. Thank you, very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 162, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A FOUR-WAY STOP AT THE INTERSECTION OF MANAGERS DRIVE AND HIAPO STREET IN WAIPAHU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A FOUR-WAY STOP AT THE INTERSECTION OF MANAGERS DRIVE AND HIAPO STREET IN WAIPAHU," was adopted, with

Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1669) recommending that H.R. No. 163, be adopted; and

(Stand. Com. Rep. No. 1670) recommending that H.C.R. No. 189, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 163; and H.C.R. No. 189, be adopted, seconded by Representative Evans.

Representative Aquino rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of these measures. The mixture of heavy traffic flow and extensive pedestrian use of roadways occurs most frequently at intersections throughout our state. In Waipahu, an area around Mokuola Street and Hikimoe Street has such heavy vehicle and pedestrian traffic. This area is surrounded by senior care homes, elderly housing complexes, assisted living facilities, nearby businesses and single family dwellings.

"Due to the vast number of assisted living and senior facilities in the area, the intersection of Mokuola and Hikimoe Streets is heavily used by seniors traveling on foot, wheelchair, and electric scooters to access the bus terminal in the area so they can accomplish everyday tasks such as grocery shopping and receiving medical care. In addition, this bus terminal is also used by numerous students of all ages, and individuals who use public transportation to get to and from work, creating even more pedestrian traffic in the area.

"Mr. Speaker, the safety of this intersection has been a concern among the residents living in the area as there is currently only one crosswalk at the intersection of Mokuola and Hikimoe Streets and street lighting in the area has been described as poor, which creates visibility problems at night.

"Mokuola Street has also been designated as the site for Waipahu's second rail station for Oahu's mass transit system which will increase motor vehicle and pedestrian traffic in the area, creating additional safety concerns. Mr. Speaker, a traffic and pedestrian study of this intersection will work toward increasing pedestrian and motor vehicle safety, as well as address traffic congestion concerns, especially with the completion of the rail station. This would greatly benefit our residents, including our seniors, students, and many others who not just live in the area, but who utilize our public transportation system. 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. 163, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO CONDUCT A TRAFFIC AND PEDESTRIAN STUDY OF THE INTERSECTION OF MOKUOLA AND HIKIMOE STREETS IN WAIPAHU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO CONDUCT A TRAFFIC AND PEDESTRIAN STUDY OF THE INTERSECTION OF MOKUOLA AND HIKIMOE STREETS IN WAIPAHU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1671) recommending that H.R. No. 171, be adopted; and

(Stand. Com. Rep. No. 1672) recommending that H.C.R. No. 198, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 171; and H.C.R. No. 198, be adopted, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Coffman rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Coffman's written remarks are as follows:

"The Island of Hawaii has the second largest population in the State, and specifically the County of Hawaii has had the highest population growth rate in the State in the past decade. The population in North and South Kona represents approximately 25 percent of the entire County population. Currently the court facilities are grossly inadequate to meet the needs of the community. La'i'opua is a potential site that should be considered, and strongly urged to be the site of the new Kona Judiciary Complex."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 171, entitled: "HOUSE RESOLUTION URGING THE JUDICIARY TO EXPEDITE THE SELECTION OF THE SITE FOR THE KONA JUDICIARY COMPLEX AND CONSIDER LA'I'OPUA AS A POTENTIAL SITE FOR THE COMPLEX," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE JUDICIARY TO EXPEDITE THE SELECTION OF THE SITE FOR THE KONA JUDICIARY COMPLEX AND CONSIDER LA'I'OPUA AS A POTENTIAL SITE FOR THE COMPLEX," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1673) recommending that H.R. No. 176, HD 1, be adopted; and

(Stand. Com. Rep. No. 1674) recommending that H.C.R. No. 204, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 176, HD 1; and H.C.R. No. 204, HD 1, be adopted, seconded by Representative Evans.

Representative Hanohano rose to speak in support of both measures, stating:

"In strong support with written comments."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support and submit these written comments for inclusion in the House Journal. During the last 30 years the State of Hawai'i hasn't built any correctional treatment facility for non-violent inmates. Building a facility in partnership with the Department of Hawaiian Homes is in the right direction. Every year, \$60 million plus dollars are exported out of the State of Hawai'i with no positive economic returns. More than 24% of the inmate populations are native Hawaiians. Community-based programs are effective in transitioning inmates back into society and connect them to their families."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 176, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO FORM A TASK FORCE TO INITIATE THE PLANNING AND DESIGN PROCESS TO DEVELOP A CORRECTIONAL TREATMENT FACILITY TO HOUSE ONE THOUSAND TO ONE THOUSAND TWO HUNDRED INMATES ON UNDEVELOPED HAWAIIAN HOME LANDS ON THE ISLAND OF HAWAII, AND/OR TO CONSIDER THE FEASIBILITY OF A COMMUNITY-BASED PROGRAM AT THAT LOCATION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 204, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO FORM A TASK FORCE TO INITIATE THE PLANNING AND DESIGN PROCESS TO DEVELOP A CORRECTIONAL TREATMENT FACILITY TO HOUSE ONE THOUSAND TO ONE THOUSAND TWO HUNDRED INMATES ON UNDEVELOPED HAWAIIAN HOME LANDS ON THE ISLAND OF HAWAII, AND/OR TO CONSIDER THE FEASIBILITY OF A COMMUNITY-BASED PROGRAM AT THAT LOCATION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1675) recommending that H.R. No. 177, 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. 177, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1676) recommending that H.C.R. No. 205, 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. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1677) recommending that H.R. No. 179, be adopted; and

(Stand. Com. Rep. No. 1678) recommending that H.C.R. No. 208, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 179; and H.C.R. No. 208, be adopted, seconded by Representative Evans.

Representative Hanohano rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support and request to submit written comments into the House Journal. During the last 30 years the State of Hawaii has not built any correctional facilities, instead the State has been sending our people to America to serve their time. Establishing a public-private correctional partnership for the construction and operation of prisons in Hawai'i can be a cost savings tool."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 179, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

At 12:36 o'clock p.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m. with Vice Speaker Manahan presiding.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1679) recommending that H.R. No. 183, HD 1, as amended in HD 2, be adopted; and

(Stand. Com. Rep. No. 1680) recommending that H.C.R. No. 212, HD 1, as amended in HD 2, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 183, HD 2; and H.C.R. No. 212, HD 2, be adopted, seconded by Representative Evans.

Representative Mizuno moved that notwithstanding the recommendations contained in Standing Committee Report Nos. 1679 and 1680, that H.R. No. 183, HD 2; and H.C.R. No. 212, HD 2, be recommitted to the Committee on Human Services, seconded by Representative C. Lee.

The motion was put to vote by the Chair and carried, and H.R. No. 183, HD 2, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING A COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," was recommitted to the Committee on Human Services, with Representatives Ching, Chong, Kawakami, Luke, McKelvey, Souki, Thielen and Tokioka being excused; and

H.C.R. No. 212, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HUMAN SERVICES TO CONSIDER IMPLEMENTING A COMPUTER APPLICATION FOR FOSTER YOUTH WHO ARE TRANSITIONING OUT OF THE FOSTER CARE SYSTEM," was recommitted to the Committee on Human Services, with Representatives Ching, Chong, Kawakami, Luke, McKelvey, Souki, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1681) recommending that H.R. No. 190, 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. 190, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE CURRENT LAW AND PROCEDURES RELATING TO THE

DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR TO ANOTHER JURISDICTION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1682) recommending that H.C.R. No. 219, 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. 219, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE CURRENT LAW AND PROCEDURES RELATING TO THE DISPOSITION OF VACATION CREDITS FOR PUBLIC EMPLOYEES THAT TRANSFER TO ANOTHER DEPARTMENT IN THE SAME JURISDICTION OR TO ANOTHER JURISDICTION," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1683) recommending that H.R. No. 195, 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. 195, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PARTNER WITH THE OFFICE OF HAWAIIAN AFFAIRS, THE DEPARTMENT OF AGRICULTURE, AND OTHER APPROPRIATE ENTITIES TO PROVIDE SUPPORT SERVICES TO ITS BENEFICIARIES TO ENCOURAGE SUCCESSFUL FARMING ON AGRICULTURAL AND PASTORAL LANDS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1684) recommending that H.C.R. No. 224, 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. 224, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PARTNER WITH THE OFFICE OF HAWAIIAN AFFAIRS, THE DEPARTMENT OF AGRICULTURE, AND OTHER APPROPRIATE ENTITIES TO PROVIDE SUPPORT SERVICES TO ITS BENEFICIARIES TO ENCOURAGE SUCCESSFUL FARMING ON AGRICULTURAL AND PASTORAL LANDS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1685) recommending that H.R. No. 218, 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. 218, entitled: "HOUSE RESOLUTION REQUESTING THAT THE TAX REVIEW COMMISSION CONDUCT A STUDY ON THE PROJECTED NET LOSS TO HAWAII RESIDENTS IN THEIR FEDERAL TAX LIABILITY THAT IS ATTRIBUTABLE TO THE MANNER IN WHICH THE STATE AND COUNTY GOVERNMENTS ARE CURRENTLY FUNDED," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1686) recommending that H.C.R. No. 255, 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. 255, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE TAX REVIEW COMMISSION CONDUCT A STUDY ON THE PROJECTED NET LOSS TO HAWAII RESIDENTS IN THEIR FEDERAL TAX LIABILITY THAT IS ATTRIBUTABLE TO THE MANNER IN WHICH THE STATE AND COUNTY GOVERNMENTS ARE CURRENTLY FUNDED," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1687) recommending that H.R. No. 226, be adopted; and

(Stand. Com. Rep. No. 1688) recommending that H.C.R. No. 264, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 226; and H.C.R. No. 264, be adopted, seconded by Representative Evans.

Representative Jordan rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I am in strong support of HR226 and HCR264, which requests the Department of Land and Natural Resources (DLNR) to do a study of the feasibility of generating revenues from commercial operations occurring in private boat harbors. This study would examine the commercial activities occurring through private boat harbors and establish if fees should be charged to these operations as they are charged to those that operate out of public facilities.

"During this time of economic difficulties, studying the feasibility of assessing these equal fees to all commercial vessels is reasonable and prudent. In addition, as DLNR identified in their written testimony, the Ninth Circuit Court of Appeals ruled that the State can only charge commercial vessels for services provided by the State. These charges can be for activity included in State waters if there is a justification of the expense, such as enforcement services, permitting, and the cost of managing natural resources. Each commercial vessel should be charged their fair share for the State resources that they use, despite the boat harbor they operate from. An exploration of the resources being utilized and compensation being paid by commercial boaters is the first step in generating revenue to sustain State operations."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 226, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF PRIVATE BOATING FACILITIES STATEWIDE AND DETERMINE THE FEASIBILITY OF GENERATING ADDITIONAL REVENUES FROM COMMERCIAL OPERATIONS OCCURRING AT OR FROM THESE FACILITIES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 264, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF PRIVATE BOATING FACILITIES STATEWIDE AND DETERMINE THE FEASIBILITY OF GENERATING ADDITIONAL REVENUES FROM COMMERCIAL OPERATIONS OCCURRING AT OR FROM THESE FACILITIES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1689) recommending that H.R. No. 246, 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.

246, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1690) recommending that H.C.R. No. 279, 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. 279, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEEK GRANT MONEYS AND ADDITIONAL RESOURCES FOR STUDYING THE FEASIBILITY OF INCORPORATING NATIVE HAWAIIAN PLANT SPECIES IN CAPITAL IMPROVEMENT PROJECTS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1691) recommending that H.R. No. 256, be adopted; and

(Stand. Com. Rep. No. 1692) recommending that H.C.R. No. 291, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 256; and H.C.R. No. 291, be adopted, seconded by Representative Evans.

Representative Hanohano rose to speak in support of both measures, stating:

"In strong support with written comments."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in strong support and request to submit written comments into the House Journal. A learning center in lower Puna by the University of Hawaii at Hilo is a step in the right direction. The population in lower Puna gained the most for the Hawai'i Island. Having a learning center in lower Puna will assist the population in gaining skills for jobs and lessen the traffic on Highway 130. The learning center will produce an employable population and create new business opportunities for this 'fast growing' area."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEARCH FOR A SITE IN LOWER PUNA TO HOUSE A LEARNING CENTER," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AT HILO TO SEARCH FOR A SITE IN LOWER PUNA TO HOUSE A LEARNING CENTER," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1693) recommending that H.R. No. 280, HD 1, be adopted; and

(Stand. Com. Rep. No. 1694) recommending that H.C.R. No. 315, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 280, HD 1; and H.C.R. No. 315, HD 1, be adopted, seconded by Representative Evans.

Representative Carroll rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"In support to HCR 315 HD1 / HR 280 HD1. I would like to express my full support on both measures as it would request the Department of Business, Economic Development, and Tourism (DEBDT), along with the input from the Office of Hawaiian Affairs, and funding from the Native Hawaiian Advancement Act to examine the feasibility of jointly establishing a Native Hawaiian Research, Science, and Technology Park.

"Creating such a facility could greatly expand not only Hawaii's technological related industries, but also provide the necessary resources to numerous Native Hawaiian entrepreneurs. Currently we lose many young and talented Native Hawaiians to either other areas of the globe or to other industries that are more easily accessible. Not only does this hinder the creative minds of our technologically savvy youth, it creates a 'brain drain' within our state as we lose many young entrepreneurs to opportunities found on the mainland and elsewhere.

"Such a park would provide Native Hawaiian entrepreneurs with the knowledge and professional expertise to adequately deal with inevitable business start-up challenges as well as make them highly competitive in various high technology areas throughout the nation. With the help and support of these organizations along with Native Hawaiian businesses, we can provide a technological facility to foster, encourage, and enable our local entrepreneurs to establish new technological developments that can remain and flourish within our state. It is for the abovementioned reasons that I fully support of the abovementioned resolutions."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 280, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, WITH INPUT FROM THE OFFICE OF HAWAIIAN AFFAIRS, TO EXAMINE THE FEASIBILITY OF JOINTLY ESTABLISHING A NATIVE HAWAIIAN RESEARCH, SCIENCE, AND TECHNOLOGY PARK," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 315, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, WITH INPUT FROM THE OFFICE OF HAWAIIAN AFFAIRS, TO EXAMINE THE FEASIBILITY OF JOINTLY ESTABLISHING A NATIVE HAWAIIAN RESEARCH, SCIENCE, AND TECHNOLOGY PARK," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1695) recommending that H.R. No. 196, HD 1, be adopted; and

(Stand. Com. Rep. No. 1696) recommending that H.C.R. No. 225, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 196, HD 1; and H.C.R. No. 225, HD 1, be adopted, seconded by Representative Evans.

Representative Cabanilla rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker and colleagues, I urge you to support HR196/HCR225 which urges the establishment of the Kanaka Villages for homeless Hawaiians. Mr. Speaker, it can be argued that Native Hawaiians have been uprooted from their land and perhaps stripped of their culture. As a consequence of this, many members from our host culture have ended up in poverty, and eventually homeless.

"Mr. Speaker, because Hawaii has mild weather, and Hawaiians were able to live here comfortably for centuries in tent like structures, creating a Kanaka Village, including cultural practices such as fishing and taro growing, will not only give shelter to those who are homeless, but will engage Native Hawaiians in life sustaining cultural practices.

"Mr. Speaker and colleagues, please support these resolutions as a cost-effective, socially and culturally effective program to ameliorate the issue of homeless Native Hawaiians."

Representative Carroll rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"In support to HCR 225 HD1 / HR 196 HD1. I would like to express my full support on both measures as it would request that the Governor's Coordinator on Homelessness conduct study in conjunction with the Department of Hawaiian Home Lands and the Hawaii Public Housing Authority on the feasibility of establishing kanaka villages for the Native Hawaiian homeless population. The majority of this vulnerable population may be entitled to the rights and privileges offered by the Department of Hawaiian Home Lands.

"There is an alarming disproportionate representation of native Hawaiians among the State's homeless (nearly 40%) that need immediate attention and care. For the purpose of these resolutions, the term "kanaka village" refers to a community where homeless native Hawaiians may live in tents or in other approved types of shelters on Hawaiian Home Land while utilizing traditional Hawaiian methods of sustainability as they progress towards home ownership.

"Despite our State's efforts along with various nonprofit organizations in providing overnight shelters for the homeless, there are still many who inhabit our public parks, sidewalks, and other public spaces. Our current resources to address the homeless population have been tightened due to economic constraints, creating an even greater need for assistance. These resolutions may offer a potential support for our Native Hawaiian homeless population, as well as easing some of the tension off our current programs that have been stretched too thin. It is for the abovementioned reasons that I fully support HCR 225 HD1 and HR 196 HD1."

Representative Hanohano rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in strong support and request to submit written comments into the House Journal. Requesting the Governor's Coordinator on homelessness to study the feasibility of establishing *kanaka* village for homeless native Hawaiians, is a doable and bold commitment to the host culture. Undertaking this task will assist homeless native Hawaiians more forward to become productive citizens and improve their social-economic status."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 196, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR'S COORDINATOR ON HOMELESSNESS TO STUDY THE FEASIBILITY OF ESTABLISHING KANAKA VILLAGES FOR HOMELESS NATIVE HAWAIIANS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 225, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S COORDINATOR

ON HOMELESSNESS TO STUDY THE FEASIBILITY OF ESTABLISHING KANAKA VILLAGES FOR HOMELESS NATIVE HAWAIIANS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1697) recommending that H.R. No. 201, HD 1, as amended in HD 2, be adopted; and

(Stand. Com. Rep. No. 1698) recommending that H.C.R. No. 230, HD 1, as amended in HD 2, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 201, HD 2; and H.C.R. No. 230, HD 2, be adopted, seconded by Representative Evans.

Representative Johanson rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you Mr. Speaker. I am in strong support of HR 201 and HCR 230, urging the United States Department of Education to accept nationally recognized college admissions exam results for determining if a school is meeting No Child Left Behind (NCLB) compliance. It is my strong desire to improve our education system, both in terms of achievement and results, as well as the delivery of education to our students.

"Like many good ideas, the genesis for this piece of legislation arose directly from schools and teachers. I have heard from the high schools that I represent that so much time is devoted to test preparation, actual testing, re-testing, and subsequent remediation. Much of the testing stems from federal mandates. The intent of these mandates is to establish the standards and measurements that are part of ensuring that our children are receiving the highest quality education possible. However, student measurements are not the end in and of itself. Rather, optimal student academic preparation and a quality education represent the primary mission of our education system.

"In order to alleviate some of the testing burden, some of my community's teachers have suggested being able to use widely-accepted and nationally-administered comparable tests, such as the ACT college entrance exam, for determining applicable students' NCLB compliance. Many of our high school students are currently taking the ACT in order to apply to college. If such a test provides the important feedback and gauge for a student's achievement and competence, why should we force the same student to take the Hawaii State Assessment simply for NCLB compliance? Currently, the U.S. Department of Education and Hawaii State Department of Education do not have guidelines for allowing for the substitution or use of any scores, such as the ACT, for determining whether a student is achieving academic proficiency. If a child demonstrates such proficiency on a college admissions exam, the student should not have to take an additional test to prove the same thing, nor should they have to worry about testing that student. Such testing is duplicative and takes away from actual learning and instruction time.

"These resolutions urge the U.S. Department of Education and Hawaii State Department of Education to study whether an appropriate nexus exists and to work toward allowing states the freedom to utilize comparable tests. They are meant to be a first step and the opening of a broader long-term dialogue that needs to occur at the federal and state levels. Given the importance of ensuring our children are receiving the best education possible as well as the finite resources of our schools, the State must start to creatively think about how to achieve measurable results without compromising education. The teachers who serve our children deserve the best tools we can give them. Allowing the use of already proven examinations speaks to our support of their work and our commitment to a brighter educational future. Ultimately, improving the quality of education is our highest goal. We must work diligently to achieve that end by leveraging our public school resources and treasured human capital to stimulate effective outcomes for Hawaii's students."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 201, HD 2, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF EDUCATION TO ACCEPT NATIONALLY RECOGNIZED COLLEGE ADMISSION EXAM RESULTS FOR DETERMINING IF A SCHOOL IS MEETING "NO CHILD LEFT BEHIND" COMPLIANCE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 230, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF EDUCATION TO ACCEPT NATIONALLY RECOGNIZED COLLEGE ADMISSION EXAM RESULTS FOR DETERMINING IF A SCHOOL IS MEETING "NO CHILD LEFT BEHIND" COMPLIANCE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1699) recommending that H.R. No. 208, be adopted; and

(Stand. Com. Rep. No. 1700) recommending that H.C.R. No. 245, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 208; and H.C.R. No. 245, be adopted, seconded by Representative Evans.

Representative Awana rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in support. Thank you. Both Stand. Com. Rep. Nos. 1699 and 1700 are extremely important to our Native Hawaiian community. As stated in testimony, we have *kupuna* waiting over a half a century for both pastoral and agriculture leases.

"For a lack of a better phrase, this wait is much, much too long and I look forward to the Department's completion of their plan to begin the release of pastoral and agricultural lands, especially at a time when we are moving in the direction of supporting food security and sustainability in Hawaii. If positive steps are taken by the Department of Hawaiian Homelands to allow Native Hawaiians to work at one with the *aina* everyone in our State benefits. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of both measures, stating:

"In strong support and may I have the words of the previous speaker. Thank you."

Representative Tsuji rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"I am in support of these measures and was glad to learn in Committee that the Department of Hawaiian Home Lands (DHHL) is currently in the process of assessing both agricultural and pastoral homestead programs with the intent of revising, re-developing and advancing these programs. Many current homesteaders would like to expand operations, but cannot do so unless lands are released. It is incumbent on this Body to support initiatives that make more agricultural and pastoral homesteads available to appropriate beneficiaries."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 208, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1701) recommending that H.R. No. 211, HD 1, be adopted; and

(Stand. Com. Rep. No. 1702) recommending that H.C.R. No. 248, HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 211, HD 1; and H.C.R. No. 248, HD 1, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of both measures, stating:

"Mr. Speaker, strong support with written comments, please."

Representative Ward's written remarks are as follows:

"Mr. Speaker. I rise in support of House Resolution 211 and its companion measure House Concurrent Resolution 248. These resolutions urge the Hawaii Sister-State Committee to establish opportunities to develop and foster international relationships.

"I have had the privilege to serve abroad as a Peace Corps volunteer in Malaysia, as well as Peace Corps country director in East Timor and subsequently as a United Nations advisor in Asia, as well as Africa. These experiences taught me that the ability to develop and foster personal and diplomatic relationships, economic ties, and maintain two-way communications are essential to retaining and expanding peace and cooperation in the world.

"Opportunities abound for Hawaii to build upon the sister-State relationships we currently enjoy, and to add to these relationships in a mutually rewarding manner. Our own cultural and ethnic diversity makes us a model for the world to see how peoples of various colors, creeds, religions and backgrounds can live in harmony on a small strand of islands in the middle of the ocean. We have lessons we can share and in turn we can learn from other jurisdictions.

"The Sister-State Committee was established by the Legislature in 2006 to advise both our Body and the Governor on matters relating to this State and international jurisdictions. These resolutions encourages this group to increase their activities to develop, plan and coordinate international events. It also encourages them to find venues for showing and sharing Hawaii's arts, culture, history and unique beauty with the rest of the world.

"Finally, these resolutions ask this Sister-State Committee to report on its work to the 2012 Legislature. Hawaii can be a beacon of hope in a world filled with strife and difficulties. Let us encourage the sharing and exchange with peoples from around the globe.

"I fully support these resolutions and request all of my colleagues to vote in the affirmative. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 211, HD 1, entitled: "HOUSE RESOLUTION URGING THE HAWAII SISTER-STATE COMMITTEE TO ESTABLISH OPPORTUNITIES TO DEVELOP AND FOSTER INTERNATIONAL RELATIONSHIPS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 248, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII SISTER-STATE COMMITTEE TO ESTABLISH OPPORTUNITIES TO DEVELOP AND FOSTER INTERNATIONAL RELATIONSHIPS," was adopted, with

Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1703) recommending that H.R. No. 217, 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. 217, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN SERVICES TO CONTINUE TO ENGAGE IN DATA EXCHANGES IN ORDER TO VERIFY THE ELIGIBILITY OF RECIPIENTS OF MEDICAID ASSISTANCE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1704) recommending that H.C.R. No. 254, 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. 254, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS AND THE DEPARTMENT OF HUMAN SERVICES TO CONTINUE TO ENGAGE IN DATA EXCHANGES IN ORDER TO VERIFY THE ELIGIBILITY OF RECIPIENTS OF MEDICAID ASSISTANCE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1705) recommending that H.R. No. 63, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 63, be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, with reservations and brief comments. Two comments. Basically one is, there's too little input from the Minority on the broadcast system. It's basically isolated to one person and another.

"Secondly the vision of realizing what openness and transparency could be vis-à-vis CSPAN, we have not realized that and I think we're missing opportunities to be more open and more transparent.

"For those reasons I have reservations. And we haven't moved. This reso could have been here 10 years ago. It's read the same for 10 years. We haven't really changed. I think we have to get a little bit broader and more open to the public. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 63, entitled: "HOUSE RESOLUTION ESTABLISHING POLICIES FOR THE LEGISLATIVE BROADCAST PROGRAM'S CABLECASTS AND WEBCASTS OF HOUSE OF REPRESENTATIVES' PROCEEDINGS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1706) recommending that H.C.R. No. 23, HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 23, HD 1, be adopted, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker. I stand in strong support and I'd like to insert written comments. Thank you."

Representative M. Lee's written remarks are as follows:

"Our *kupuna* population is increasing, and falls are a major threat to their health and independence. Each year, one third of older adults, 65 years of age and older, fall. Falls often result in serious injury, such as a hip fractures or head injuries, which requires hospitalization. In addition to the physical and emotional pain, many need to spend at least a year recovering in a long-term care facility.

"Some never return to their homes.

"In Hawaii, every five hours, a senior is so severely injured by a fall that they must be hospitalized. Locally, emergency room, hospitalization, rehabilitation and care home charges total \$143.8 million per year, which equals \$193,000 per day!

"Thirty percent of falls are preventable! The Task Force working with health professionals, State and community agencies, and private organizations can help bring early detection and fall prevention programs to the forefront. For this reasons, I ask the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 23, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION AND EARLY DETECTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1707) recommending that H.C.R. No. 126, HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 126, HD 1, be adopted, seconded by Representative Evans.

Representative Cullen rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I submit written comments in strong support of Standing Committee Report No. 1707, House Concurrent Resolution 126, which requests the Department of Public Safety to determine the feasibility of establishing an earned-time program for Hawaii's non-violent and low-level drug offenders.

"Giving non-violent and low-level drug offender inmates the option for earned-time credits increases their chances to be released before their regular minimum date should they be able to fulfill the program's requirements. This incentive would encourage inmates to participate and complete their programs in facility like substance abuse counseling and working towards their GE. These are a couple of examples of a program that that would help an inmate earn credit for time being served.

"Having this program also reduces the costs of incarceration and recidivism, as well as help offenders succeed when they return to the community as witnessed by 31 other states that provide these types of programs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 126, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN EARNED-TIME PROGRAM FOR HAWAII'S NON-VIOLENT AND LOW-LEVEL DRUG OFFENDERS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1708) recommending that H.C.R. No. 128, HD 1, as amended in HD 2, 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. 128, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO REVIEW POLICIES AND PROCEDURES FOR STATE FUNDED DRUG COVERAGE PROGRAMS AND SERVICES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1709) recommending that H.C.R. No. 146, 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. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1710) recommending that H.C.R. No. 160, 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. 160, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO REQUIRE REIMBURSEMENT TO THE GENERAL FUND FOR THE AMOUNTS OF REFUNDABLE TAX CREDITS UNDER HRS 235-12.5, THE RENEWABLE ENERGY TECHNOLOGIES INCOME TAX CREDIT," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1711) recommending that H.C.R. No. 166, 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. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY REGARDING THE TRANSFER OF NON-GENERAL FUNDS TO THE GENERAL FUND," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1712) recommending that H.C.R. No. 167, 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. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1713) recommending that H.C.R. No. 173, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 173, be adopted, seconded by Representative Evans.

Representative Ichiyama rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this resolution. Kamananui Valley, located in Moanalua Valley, is the last remaining undeveloped *ahupua'a* in urban Honolulu. Its pristine 3,700 acres are enjoyed by hikers, bird watchers, hunters and many students that take educational walks through the valley.

"The Moanalua Gardens Foundation (MGF) was established in 1970 as a non-profit organization by the granddaughters of Samuel Mills Damon, Frances "Patches" Damon Holt and Harriet "Haku" Damon Baldwin. Its mission is to preserve and perpetuate the native culture, environment and people of Hawaii through education, celebration and care for Kamananui Valley and Moanalua Gardens.

"The MGF has stated its sincere interest in partnering with the Department of Land and Natural Resources to help care for Kamananui Valley for the people of Hawaii and to conduct educational and cultural programs in Kamananui Valley as a community resource to benefit the public. I understand that the Department is also interested in working with the MGF to create a memorandum of understanding to preserve and protect Kamananui Valley. This resolution recognizes the ongoing work by both the MGF and the Department to allow the MGF to continue its outstanding work within our community and I strongly support its passage. Thank you very much, Mr. Speaker."

Representative Johanson rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"I rise in support of this HCR 173, Mr. Speaker. I am pleased that this resolution was offered because of the significance Kamananui Valley has for the Moanalua community that I represent. The Moanalua Gardens Foundation does important work for the Moanalua community and the State of Hawaii. I know my neighbors and I share in our support and appreciation for this organization and its contributions. I hope that coordinating with the State's Department of Land and Natural Resources will help better serve and protect this treasure for not only the Moanalua community, but also for the entire State of Hawaii."

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 URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH MOANALUA GARDENS FOUNDATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF KAMANANUI (MOANALUA) VALLEY FOR EDUCATIONAL AND CULTURAL PURPOSES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1714) recommending that H.C.R. No. 196, 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. 196, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO DEVELOP A QUALITY IMPROVEMENT INITIATIVE TO REDUCE ELECTIVE CESAREAN SECTIONS AND INDUCTION OF LABOR," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1715) recommending that H.C.R. No. 238, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 238, be adopted, seconded by Representative Evans.

Representative Ching rose in support of 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 support of HCR 238. According to Analytical Services Inc., the lack of a Statewide Classification Program for shellfish growing areas has been a roadblock to establishing a shellfish aquaculture industry in Hawaii for decades. Work to date has recognized the most significant issues toward the end of securing this most promising segment of local food production for local consumption. All evidence to date indicates the absence of growth, taste, economic, or production hurdles to the revitalization of this local aquaculture. Thank you."

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.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1716) recommending that H.C.R. No. 294, 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. 294, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING DISCUSSIONS TO PROPOSE RECOMMENDATIONS TO THE LEGISLATURE TO RESOLVE OUTSTANDING DIFFERENCES REGARDING CLAIMS OF THE OFFICE OF HAWAIIAN AFFAIRS TO INCOME AND PROCEEDS FROM THE PUBLIC LAND TRUST BETWEEN NOVEMBER 7, 1978, AND JULY 1, 2008," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1717) recommending that H.R. No. 79, 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. 79, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1718) recommending that H.C.R. No. 86, 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. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1719) recommending that H.R. No. 30, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1720) recommending that H.C.R. No. 37, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 30, HD 1; and H.C.R. No. 37, HD 1, be adopted, 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 rise in strong support. The Republic of Turkey was founded in 1923. According to its constitution, Turkey is a secular, democratic republic that derives its sovereignty from the people. Turkey today has a population of more than 75 million and is the world's 15th largest economy.

"Turkey is a member of NATO and of the European Organization for Economic Cooperation and Development. Turkish troops are part of the NATO-led security mission in Afghanistan.

"Since 1955, the United States has operated Incirlik Air Base in southern Turkey in cooperation with Turkey and our other NATO allies. In 2008, more than half the supplies for our forces in Iraq and Afghanistan were delivered via Incirlik. Incirlik has also supported humanitarian and relief missions in the Middle East and South Asia.

"Hawaii and Turkey may seem worlds apart, but we have something in common in the legacies of our leaders.

"We all know of Kamehameha, the warrior king who united our islands. Kamehameha turned from war to become a champion of justice and self-determination. Kamehameha's story has a parallel in the life of Mustafa Kemal Atatürk, the founder of modern Turkey.

"Atatürk was also forged in battle, during World War One. Like Kamehameha, Atatürk turned from war to peace. Atatürk transformed Turkey into a modern nation-state, enacting public education, full political rights for women, and a secular legal code. "Peace at home and peace in the world" was his motto.

"As we watch the current upheavals in the Middle East, many look to Turkey as an example of stability, prosperity, and multi-party democracy. However, we must stress that all nations should live up to the ideals of democracy, including equality, the rule of law, human rights, and freedom of the press.

"We in Hawaii look forward to continued warm relations and mutual beneficial interactions with Turkey and the Turkish people. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 30, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 37, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE CULTURAL, EDUCATIONAL, POLITICAL, AND ECONOMIC RELATIONS BETWEEN THE PEOPLE OF HAWAII AND THE REPUBLIC OF TURKEY," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1721) recommending that H.R. No. 151, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1722) recommending that H.C.R. No. 175, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 151, HD 1; and H.C.R. No. 175, HD 1, be adopted, seconded by Representative Evans.

Representative Evans rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 151, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SAN FRANCISCO MEXICAN CONSULATE TO CONSIDER ESTABLISHMENT OF A MEXICAN CONSULATE IN HAWAII," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 175, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SAN FRANCISCO MEXICAN CONSULATE TO CONSIDER ESTABLISHMENT OF A MEXICAN CONSULATE IN HAWAII," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representative Awana, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1723) recommending that H.R. No. 216, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1724) recommending that H.C.R. No. 253, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 216, HD 1; and H.C.R. No. 253, HD 1, be adopted, seconded by Representative Evans.

Representative Aquino rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Mr. Speaker, I rise in strong support of these resolutions and would like to make a few comments. In 1941, 250,000 Filipino soldiers volunteered their services after being promised full veterans benefits to fight for the United States against the threat of Japan in World War II. While fighting, on April 9, 1942, the United States surrendered Luzon in the Philippines, leading to the Bataan Death March where thousands of American and Filipino prisoners of war died as they traveled to Japanese prisoner of war camps. Shortly thereafter in May of 1942, the United States retreated completely from the Philippines. While this was a definite blow to the war, the Filipinos along with their U.S. counterparts, continued to fight. Several years later in 1945, Japan surrendered the Philippines to the United States, which would set off a chain reaction of events that would lead to Japan's official surrender to end the war later that year.

"Mr. Speaker, despite the promises made earlier in the war, Congress enacted the Rescission Act in 1946. This would deny World War II Filipino rights to veterans' benefits such as healthcare, disability pensions, and burial expenses. Over the next few decades, Congress considered legislation to restore the benefits denied to Filipino veterans and even received encouraging words from Presidents George W. Bush and Bill Clinton to fulfill the broken promises made by the United States government.

"Over 60 years later in 2009, President Obama signed the American Recovery and Reinvestment Act. In this bill was a provision that called

for the release of \$198,000,000 for lump sum payments to Filipino veterans in lieu of pensions. Mr. Speaker, today there are only 11,000 veterans who are now in their 80s and 90s to collect these payments. There are some Filipino veterans who are still waiting for their promised checks.

"In Hawaii alone, there are approximately 400 Filipino veterans qualified for payments under the ARRA Act of 2009. About 15 percent are still waiting for their checks, and approximately 20 percent have claims that are still pending. Mr. Speaker, our senior Senator in Washington D.C. believes that it is out of honor that we need to provide to these veterans what they have earned through their courage, service and dedication.

"Mr. Speaker, I truly believe that the funds appropriated through the ARRA Act while good intentioned, does not correct the inequities felt by these Filipino warriors. However, it does make an attempt to try and make things right. These resolutions provide that. Thank you."

Representative Cabanilla rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I strongly support HR 216, and HCR 253 which urge the President of the United States and the United States Congress to expedite payment of war benefits to Filipino veterans who fought in the World War II, but were subsequently denied their entitled benefits.

"Mr. Speaker, since our WWII Filipino American veterans were given U.S. citizenship, health benefits and burial in our veterans' cemeteries nationwide, the President of the United States signed the American Recovery and Reinvestment Act of 2009 on February 17, 2009, authorizing the release of a one-time, lump-sum payment to eligible World War II (WWII) Philippine veterans.

"While some Filipino veterans have already been paid this compensation, there are still many waiting, caught up in technicalities. I urge the passage of these resolutions which will expedite compensation for those brave Filipino soldiers who risked their lives for the United States of America."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 216, HD 1, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 253, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and Mizuno, for the Committee on International Affairs and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1725) recommending that H.C.R. No. 232, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 232, HD 1, be adopted, seconded by Representative Evans.

Representative Ward rose and stated:

"Mr. Speaker. Is it possible to insert comments in the Journal on 1725? Yes that passed me. My page numbers were different than the last agenda. Somehow the page numbers threw off the word.

"In fact let me just give a brief comment rather than that then. Stand. Com. Rep. No. 1725 is relating to a UN resolution. I should explain to the Members when I recued myself having to leave, because oftentimes we're asked to adopt a UN resolution and we never read it."

The motion was put to vote y the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 232, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE REVIEW AND CONSIDERATION OF THE HUMAN RIGHTS RECOMMENDATIONS FROM THE 2010 UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF THE UNITED STATES OF AMERICA," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and Tsuji, for the Committee on International Affairs and the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 1726) recommending that H.R. No. 263, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1727) recommending that H.C.R. No. 298, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 263, HD 1; and H.C.R. No. 298, HD 1, be adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in strong support of these two measures. Thank you, Mr. Speaker. As the *Star-Advertiser* reports, APEC means business for Hawaii and we must capitalize on this opportunity. The Asia-Pacific Economic Cooperative is a 21-member country economic forum, plus us, with the primary goal to support sustainable economic growth and prosperity in the Asia-Pacific region.

"We're facing tough economic times, and an event of this magnitude brings foreign heads of states and their diplomatic corps to our City and it will become a boon for our economy and our agricultural industry. The Asia-Pacific Economic Cooperation, the premiere forum, comes in November and is a once in a lifetime opportunity to promote the uniqueness and the quality of our own local grown agricultural products. This is a once in a lifetime opportunity to showcase some of our excellence.

"One of those crops of excellence that I think we might be able to showcase as an example here. This is a 100% local-grown cacao. We have single-origin bars from the North Shore. But here I have something that's quite special. This was presented by President Bill Clinton. An exact duplicate of what was presented by President Bill Clinton to the Emperor of Japan. When the former, at the time President Bill Clinton gave this to the Emperor of Japan. This is an example of what's possible. This is in a *koa* wood box. Curley *koa*, and in it are chocolates that are made of *kiawe* honey, Hawaiian vanilla, Hawaiian apple banana, local Hawaiian pineapple, local Hawaiian *liliko'i*, local Hawaiian sea salt, local Hawaiian Ka'u orange, local Hawaiian macadamia nut, and of course local Hawaiian Kona coffee and including *matcha* green tea, some of the top green tea in the world. This is an example to me of what's possible. And I'm hoping that this translates to good business for Hawaii. Thank you."

Representative Awana rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, I rise in strong support and ask that the words from the Representative of Liliha be entered into the Journal as if they were my own. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 263, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S

EXCELLENCE IN AGRICULTURE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 298, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented two reports:

(Stand. Com. Rep. No. 1728) recommending that H.R. No. 251, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1729) recommending that H.C.R. No. 284, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 251, HD 1; and H.C.R. No. 284, HD 1, be adopted, seconded by Representative Evans.

Representative Hashem rose to disclose a potential conflict of interest, stating:

"I have a potential conflict. My wife is from Peru," and the Chair ruled, "no conflict."

Representative Hashem rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hashem's written remarks are as follows:

"Lima, Peru and Honolulu, Hawaii have strong ties rooted in cultures that respect and utilize the ocean. Just across the Pacific, Lima has a very strong surfing culture. A few of the top surfers in the world are Peruvian like Sofia Mulánovich Aljovín and Luis Miguel "Magoo" De La Rosa. Our own Hawaii Senator Fred Hemmings won the Peruvian International Surfing Championships in 1964. Lima even has beaches named after those found in Hawaii like Waikiki and Makaha. Truly Lima and Honolulu have a relationship that should be recognized and strengthened by these resolutions. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 251, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE BETWEEN HAWAII AND THE PROVINCE OF LIMA, PERU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused; and

H.C.R. No. 284, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE BETWEEN HAWAII AND THE PROVINCE OF LIMA, PERU," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1730) recommending that H.R. No. 129, as amended in HD 1, 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. 129, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE WITH QUEENSLAND, AUSTRALIA FOR ECONOMIC, CULTURAL, AND

INTELLECTUAL BENEFITS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1731) recommending that H.C.R. No. 148, as amended in HD 1, 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. 148, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE WITH QUEENSLAND, AUSTRALIA FOR ECONOMIC, CULTURAL, AND INTELLECTUAL BENEFITS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1732) recommending that H.R. No. 130, as amended in HD 1, 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. 130, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE WITH THE MARITIME PROVINCE, RUSSIA, FOR ECONOMIC, CULTURAL, SECURITY, AND INTELLECTUAL BENEFITS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1733) recommending that H.C.R. No. 149, as amended in HD 1, 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. 149, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE WITH THE MARITIME PROVINCE, RUSSIA, FOR ECONOMIC, CULTURAL, SECURITY, AND INTELLECTUAL BENEFITS," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1734) recommending that H.R. No. 212, as amended in HD 1, 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. 212, HD 1, entitled: "HOUSE RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1735) recommending that H.C.R. No. 249, as amended in HD 1, 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. 249, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION

AUTHORIZING AND REQUESTING THE GOVERNOR TO ESTABLISH A SISTER-STATE RELATIONSHIP THROUGH THE HAWAII SISTER-STATE COMMITTEE BETWEEN THE STATE OF HAWAII OF THE UNITED STATES AND THE STATE OF RABAT-SALÉ-ZEMMOUR-ZAËR OF THE KINGDOM OF MOROCCO," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1736) recommending that H.R. No. 132, as amended in HD 1, 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. 132, HD 1, entitled: "HOUSE RESOLUTION PROMOTING AND SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII THROUGH THE AKAMAI FOUNDATION AND OTHER INCENTIVES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

Representatives Awana and McKelvey, for the Committee on International Affairs and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1737) recommending that H.C.R. No. 151, as amended in HD 1, 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. 151, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION PROMOTING AND SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII THROUGH THE AKAMAI FOUNDATION AND OTHER INCENTIVES," was adopted, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

At 12:53 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1738), recommending that S.C.R. No. 150, SD 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 S.C.R. No. 150, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE COMMUNITY SERVICES BLOCK GRANT PROGRAM AND STRONGLY OPPOSING BUDGET CUTS PROPOSED BY THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS," was referred to the Committee on Finance, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain Senate Bill for Third Reading by consent calendar. (Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka were excused.)

THIRD READING

S.B. No. 923:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.B. No. 923, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed

Third Reading by a vote of 45 ayes, with Representatives Chong, Herkes, Kawakami, McKelvey, Thielen and Tokioka being excused.

At 12:56 o'clock p.m., the Chair noted that the following bill passed Third Reading:

S.B. No. 923

SUSPENSION OF RULES

Representative B. Oshiro moved to suspend the rules for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills, seconded by Representative Evans.

Representative B. Oshiro rose to speak in support of the motion, stating:

"Mr. Speaker. I rise in support of the motion. Just very briefly, I would like to just provide clarification for those who haven't been here before. The purpose of this motion is to provide notice of our intent to move to agree, and later on pass on Final Reading the bills that will be listed in the next motion. So I highly recommend that Members look at their Yellow Action Sheets and note every single bill that I'm going to be reading, because that will come up on the next legislative day for substantive action. Thank you."

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Chong, Har, Herkes, Kawakami, McKelvey, Nishimoto, Thielen and Tokioka were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans:

H.B. No. 270, (SD 1)
H.B. No. 298, HD 1, (SD 1)
H.B. No. 381, HD 1, (SD 1)
H.B. No. 382, HD 2, (SD 2)
H.B. No. 424, (SD 1)
H.B. No. 439, HD 1, (SD 1)
H.B. No. 546, (SD 1)
H.B. No. 865, HD 2, (SD 2)
H.B. No. 1053, HD 1, (SD 1)
H.B. No. 1134, HD 1, (SD 2)
H.B. No. 1552, HD 1, (SD 2)
H.B. No. 1640, HD 2, (SD 1)

Representative Ward rose to speak in support of the motion, stating:

"Mr. Speaker, I rise with support and with thanks given to the Majority Leader for doing the slowest pace that I've heard in the last four Sessions. Thank you."

The motion was put to vote by the Chair and carried, and the House reconsidered its action previously taken in disagreeing to the amendments made by the Senate, and gave notice of intent to agree to such amendments for the noted House Bills. (Representatives Chong, Har, Herkes, Kawakami, McKelvey, Nishimoto, Thielen and Tokioka were excused.)

ANNOUNCEMENTS

Representative Ching: "Thank you, Mr. Speaker. I wanted to announce that Kaiser Permanente right now has the Hawaii Community Health Needs Assessment Community Voices On Health until 1:30 in the

Auditorium. This is an exciting new concept of approaching health needs, looking at vitality in neighborhoods and making sure that our people have access to fresh fruits and vegetables, farmer's markets, etc. And I think this is something worthy of considering given our health care costs and our budget being unhealthy as it is. Thank you."

Representative Riviere: "Thank you. Thank you, Mr. Speaker. The Representative from Kailua is absent today. She asked me to convey this message. Today as you may know is Hemp Aloha Friday. I'm sporting one, and so is the Floor Leader over there. It's hemp fabric. It has longer fibers. It's more durable. It has more UV protection. It's a quality cloth that doesn't wear out.

"You all probably know that George Washington and Thomas Jefferson grew hemp. They promoted it. It was part of our national security for many years. It was grown in the United States as an important crop until the 1950s. There are products that can be made that are more durable, lighter, and more resistant. There's a product called hempcrete which is a nice, environmentally-friendly form of concrete.

"So I just wanted to say that it is a viable product. I don't think it should be scoffed at as many people do. It is a good product that we could grow in this State and we should. I just want to put that plug in for hemp. It's Aloha Hemp Friday. Thank you, very much."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
6, SD1	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Finance
66, SD1	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Finance
125, SD1	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
139, SD1	Committee on Health, then to the Committee on Finance

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>
4, HD2, SD2	Committee on Education, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
70, HD2, SD1	Committee on Housing, then to the Committee on Human Services, then to the Committee on Finance
141, HD1, SD1	Committee on Judiciary, then to the Committee on Labor & Public Employment
160, HD2, SD2	Committee on Health, then to the Committee on Human Services, then to the Committee on Finance

227, HD2, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Agriculture, then to the Committee on Judiciary

235, HD2, SD2 Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

273, HD1, SD1 Committee on Health, then to the Committee on Finance

354, HD1, SD2 Committee on Judiciary, then to the Committee on Finance

550, HD1, SD1 Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management, then to the Committee on Finance

667, HD1, SD2 Committee on Economic Revitalization & Business, then to the Committee on Agriculture, then to the Committee on Finance

678, HD3, SD2 Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary, then to the Committee on Finance

680, SD2 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

747, HD1, SD2 Committee on Judiciary, then to the Committee on Consumer Protection & Commerce

814, HD1, SD1 Committee on Labor & Public Employment, then to the Committee on Finance

916, SD1 Committee on Transportation, then to the Committee on Health, then to the Committee on Finance

922, SD3 Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

1071, HD2, SD1 Committee on Judiciary, then to the Committee on Health, then to the Committee on Finance

1085, HD2, SD2 Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1221, HD1, SD2 Committee on Judiciary, then to the Committee on Economic Revitalization & Business

1241, HD2, SD2 Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary

1308, HD2, SD2 Committee on Economic Revitalization & Business, then to the Committee on Higher Education, then to the Committee on Finance

1405, HD1, SD1 Committee on Water, Land, & Ocean Resources, then to the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1483, HD1, SD2 Committee on Hawaiian Affairs, then to the Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1529, HD2, SD1 Committee on Economic Revitalization & Business, then to the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1626, HD1, SD2 Committee on Transportation, then to the Committee on Finance

1654, HD1, SD1 Committee on Health, then to the Committee on Human Services, then to the Committee on Water, Land, & Ocean Resources

ADJOURNMENT

At 1:03 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, April 18, 2011. (Representatives Chong, Har, Herkes, Kawakami, McKelvey, Nishimoto, Thielen and Tokioka were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 15, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 4, HD 2, SD 2	Takumi/Aquino/Cullen, Co-Chrs.; Johanson
H.B. No. 44, HD 1, SD 1	Rhoads, Chr.; Cabanilla, Ito, Souki, Thielen
H.B. No. 49, HD 1, SD 1	Aquino/Keith-Agaran, Co-Chrs.; Ito, Takai, Fontaine
H.B. No. 56, HD 2, SD 2	Mizuno/B. Oshiro, Co-Chrs.; Jordan, Pine
H.B. No. 70, HD 2, SD 1	Cabanilla/Mizuno/Chong, Co-Chrs.; Pine
H.B. No. 79, HD 1, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward
H.B. No. 117, HD 2, SD 2	Chang/Coffman/Keith-Agaran, Co-Chrs.; Har, Ito, Riviere
H.B. No. 121, HD 1, SD 1	Aquino/M. Lee, Co-Chrs.; Cullen, Evans, Fontaine
H.B. No. 129, HD 2, SD 2	Yamane/M. Lee, Co-Chrs.; Morikawa, Ching
H.B. No. 130, HD 1, SD 1	Aquino/M. Lee, Co-Chrs.; Cullen, Fontaine
H.B. No. 141, HD 1, SD 1	Keith-Agaran/Rhoads, Co-Chrs.; Ito, Souki, Thielen
H.B. No. 159, HD 1, SD 2	Takumi/M. Oshiro, Co-Chrs.; Belatti, M. Lee, Johanson

H.B. No. 160, HD 2, SD 2	Yamane/Mizuno/M. Lee, Co-Chrs.; Jordan, Morikawa, Ching	H.B. No. 393, HD 2, SD 2	Souki/Keith-Agaran, Co-Chrs.; Ichiyama, Ito, Saiki, Thielen
H.B. No. 169, HD 2, SD 2	Rhoads/McKelvey/Yamashita, Co-Chrs.; Awana, Brower, Johanson	H.B. No. 397, HD 2, SD 2	Chang/Hanohano/Keith-Agaran/Har, Co-Chrs.; Ito, Riviere
H.B. No. 200, HD 1, SD 1	M. Oshiro, Chr.; Chong, Choy, Cullen, Har, Hashem, Ichiyama, Jordan, Kawakami, C. Lee, M. Lee, Morikawa, Tokioka, Yamashita, Marumoto, Riviere, Ward	H.B. No. 423, HD 1, SD 1	Coffman/Kawakami, Co-Chrs.; Chong, Ichiyama, Thielen
H.B. No. 227, HD 2, SD 2	Chang/Tsuji/Keith-Agaran, Co-Chrs.; Har, Nakashima, Riviere	H.B. No. 467, HD 2, SD 1	Rhoads/Keith-Agaran/Yamashita, Co-Chrs.; Wooley, Fontaine
H.B. No. 235, HD 2, SD 2	McKelvey/Yamane/M. Oshiro, Co-Chrs.; Brower, Kawakami, Marumoto	H.B. No. 484, SD 2	Yamane/Herkes, Co-Chrs.; M. Lee, Tsuji, Ching
H.B. No. 240, SD 1	Keith-Agaran, Chr.; Ito, Luke, Souki, Thielen	H.B. No. 491, HD 1, SD 1	Aquino/Cullen, Co-Chrs.; Awana, Saiki, Fontaine
H.B. No. 243, HD 1, SD 1	Keith-Agaran, Chr.; Ito, Luke, Souki, Thielen	H.B. No. 492, HD 2, SD 2	Aquino/Cullen, Co-Chrs.; Awana, Saiki, Fontaine
H.B. No. 257, HD 2, SD 1	Keith-Agaran/Choy, Co-Chrs.; B. Oshiro, Thielen	H.B. No. 496, SD 2	Chang/M. Oshiro, Co-Chrs.; Cabanilla, Riviere
H.B. No. 273, HD 1, SD 1	Yamane/M. Oshiro, Co-Chrs.; M. Lee, Ward	H.B. No. 505, HD 2, SD 2	Chang/Har, Co-Chrs.; Awana, Jordan, Nakashima, Riviere
H.B. No. 277, HD 2, SD 2	Aquino/Chong, Co-Chrs.; Cullen, Ito, Fontaine	H.B. No. 519, HD 1, SD 2	McKelvey/Rhoads/Yamashita, Co-Chrs.; Choy, Saiki, Marumoto
H.B. No. 299, HD 1, SD 1	B. Oshiro, Chr.; Luke, Thielen	H.B. No. 526, HD 1, SD 2	McKelvey/Chang/Choy, Co-Chrs.; Hashem, Yamashita, Marumoto
H.B. No. 300, HD 2, SD 2	Keith-Agaran/M. Oshiro, Co-Chrs.; Brower, M. Lee, Rhoads, Thielen	H.B. No. 545, HD 1, SD 1	Keith-Agaran/Choy, Co-Chrs.; B. Oshiro, Thielen
H.B. No. 301, SD 1	Keith-Agaran/Choy, Co-Chrs.; Brower, Luke, Tokioka, Thielen	H.B. No. 550, HD 1, SD 1	Herkes/Yamashita/Tokioka, Co-Chrs.; Chong, McKelvey, Ward
H.B. No. 318, HD 2, SD 2	Aquino/Cullen, Co-Chrs.; Herkes, Tsuji, Fontaine	H.B. No. 555, HD 1, SD 1	Rhoads, Chr.; Aquino, Brower, Thielen
H.B. No. 319, HD 1, SD 1	Herkes, Chr.; Ito, Luke, Marumoto	H.B. No. 563, HD 1, SD 1	Coffman/Chong, Co-Chrs.; Chang, Ito, Kawakami, Thielen
H.B. No. 320, HD 2, SD 1	Herkes/Keith-Agaran, Co-Chrs.; Cabanilla, Souki, Marumoto	H.B. No. 569, HD 1, SD 2	Mizuno/Yamane/Jordan, Co-Chrs.; Chong, C. Lee, Ward
H.B. No. 324, HD 2, SD 2	Chang/Har, Co-Chrs.; Evans, Herkes, Riviere	H.B. No. 593, HD 1, SD 1	Keith-Agaran, Chr.; Luke, McKelvey, Fontaine
H.B. No. 326, HD 1, SD 2	Yamane/Mizuno/Morikawa, Co-Chrs.; Herkes, Ching	H.B. No. 594, HD 2, SD 2	Yamane/Morikawa, Co-Chrs.; C. Lee, Wooley, Ching
H.B. No. 331, HD 2, SD 2	Chang/Har, Co-Chrs.; Kawakami, Nakashima, Tokioka, Tsuji, Riviere	H.B. No. 596, HD 1, SD 1	Mizuno/Yamane/Jordan, Co-Chrs.; C. Lee, Wooley, Pine
H.B. No. 338, HD 2, SD 1	Takumi/M. Lee, Co-Chrs.; Belatti, Nakashima, Wooley, Johanson	H.B. No. 597, HD 1, SD 1	Yamane/Rhoads, Co-Chrs.; Morikawa, Wooley, Ching
H.B. No. 354, HD 1, SD 2	B. Oshiro/M. Oshiro, Co-Chrs.; Luke, McKelvey, Thielen	H.B. No. 605, HD 2, SD 2	Aquino/Cullen, Co-Chrs.; Morikawa, Yamane, Fontaine
H.B. No. 377, HD 2, SD 2	Chang/Hanohano/Har, Co-Chrs.; Ito, Nakashima, Riviere	H.B. No. 608, HD 3, SD 1	Yamane/Morikawa, Co-Chrs.; Jordan, Wooley, Ching
H.B. No. 389, HD 3, SD 2	Chang/Hanohano/Har, Co-Chrs.; Ito, Riviere	H.B. No. 614, HD 2, SD 1	Yamane/Morikawa, Co-Chrs.; Jordan, Wooley, Ching
		H.B. No. 616, HD 2, SD 2	Mizuno/B. Oshiro, Co-Chrs.; Evans, Jordan, Ching

H.B. No. 638, HD 1, SD 1	Keith-Agaran/Choy, Co-Chrs.; Belatti, B. Oshiro, Thielen	H.B. No. 909, HD 2, SD 2	Mizuno/B. Oshiro, Co-Chrs.; Belatti, Jordan, Pine
H.B. No. 640, HD 1, SD 1	Keith-Agaran, Chr.; Belatti, B. Oshiro, Thielen	H.B. No. 915, HD 2, SD 2	Chang/Har, Co-Chrs.; Tokioaka, Riviere
H.B. No. 663, HD 2, SD 2	Herkes/Keith-Agaran, Co-Chrs.; Brower, Evans, Marumoto	H.B. No. 916, SD 1	Souki/Yamane/M. Lee, Co-Chrs.; Ichiyama, Johanson
H.B. No. 667, HD 1, SD 2	McKelvey/Tsuji/Choy, Co-Chrs.; Evans, Hashem, Marumoto	H.B. No. 931, SD 1	Chang/Har, Co-Chrs.; Tokioaka, Riviere
H.B. No. 678, HD 3, SD 2	McKelvey/Herkes/Keith-Agaran/Choy, Co-Chrs.; Ito, Marumoto	H.B. No. 945, HD 2, SD 1	Takumi/M. Lee, Co-Chrs.; Belatti, Har, Johanson
H.B. No. 680, SD 2	Chang/Har, Co-Chrs.; Hashem, Ito, Nakashima, Riviere	H.B. No. 953, HD 2, SD 1	Takumi/Rhoads/Yamashita, Co-Chrs.; Belatti, Evans, Mizuno, Johanson
H.B. No. 688, HD 2, SD 2	Takumi/B. Oshiro/M. Lee, Co-Chrs.; Awana, Saiki, Johanson	H.B. No. 960, HD 1, SD 2	Cabanilla/Chong, Co-Chrs.; Chang, Jordan, Pine
H.B. No. 716, HD 1, SD 1	Keith-Agaran, Chr.; Brower, Luke, B. Oshiro, Thielen	H.B. No. 968, HD 1, SD 1	Mizuno/Keith-Agaran, Co-Chrs.; Aquino, Jordan, Tsuji, Pine
H.B. No. 739, HD 2, SD 1	Mizuno/M. Lee, Co-Chrs.; Hashem, Pine	H.B. No. 983, HD 2, SD 1	McKelvey/Choy, Co-Chrs.; Chong, Evans, Marumoto
H.B. No. 747, HD 1, SD 2	Keith-Agaran/Herkes, Co-Chrs.; Evans, McKelvey, Thielen	H.B. No. 985, HD 2, SD 2	McKelvey/Choy, Co-Chrs.; Evans, Ichiyama, Marumoto
H.B. No. 758, HD 1, SD 2	Mizuno/Jordan, Co-Chrs.; Pine	H.B. No. 1000, HD 2, SD 2	Aquino/Herkes/Cullen, Co-Chrs.; Ichiyama, Fontaine
H.B. No. 761, HD 1, SD 2	Yamane/Morikawa, Co-Chrs.; Wooley, Ching	H.B. No. 1001, HD 2, SD 2	Rhoads/M. Oshiro, Co-Chrs.; Thielen
H.B. No. 786, HD 2, SD 2	Coffman/M. Oshiro, Co-Chrs.; Hashem, Kawakami, Thielen	H.B. No. 1003, HD 2, SD 2	Mizuno/Keith-Agaran, Co-Chrs.; Jordan, Pine
H.B. No. 801, HD 2, SD 2	McKelvey/Choy, Co-Chrs.; Awana, Jordan, B. Oshiro, Marumoto	H.B. No. 1005, HD 2, SD 2	Mizuno/B. Oshiro/Jordan, Co-Chrs.; Cabanilla, Pine
H.B. No. 814, HD 1, SD 1	Rhoads/M. Oshiro, Co-Chrs.; Yamashita, Ward	H.B. No. 1009, HD 2, SD 2	Keith-Agaran/Choy, Co-Chrs.; McKelvey, Thielen
H.B. No. 828, HD 2, SD 1	Keith-Agaran/Choy, Co-Chrs.; Chong, Thielen	H.B. No. 1012, HD 1, SD 2	Awana/Aquino/Hashem, Co-Chrs.; Brower, Yamane, Yamashita, Ward
H.B. No. 838, HD 2, SD 1	Keith-Agaran/M. Oshiro, Co-Chrs.; Evans, C. Lee, B. Oshiro, Thielen	H.B. No. 1020, HD 2, SD 2	Souki/Chang/Ichiyama, Co-Chrs.; Har, Johanson
H.B. No. 850, HD 1, SD 2	Chang/Coffman/Har, Co-Chrs.; Carroll, Riviere	H.B. No. 1036, HD 1, SD 2	Rhoads/Yamashita, Co-Chrs.; B. Oshiro, Fontaine
H.B. No. 855, HD 1, SD 1	Coffman/Kawakami, Co-Chrs.; Ichiyama, Thielen	H.B. No. 1041, HD 2, SD 2	Rhoads/M. Oshiro, Co-Chrs.; Yamashita, Fontaine
H.B. No. 866, HD 2, SD 2	Tsuji/Hashem, Co-Chrs.; Evans, Riviere	H.B. No. 1045, HD 1, SD 2	Yamane/Herkes/Morikawa, Co-Chrs.; Ito, Souki, Ching
H.B. No. 879, HD 1, SD 2	Herkes/Keith-Agaran/M. Oshiro, Co-Chrs.; Cabanilla, Ito, McKelvey, Riviere	H.B. No. 1049, HD 2, SD 2	Herkes/Chong, Co-Chrs.; Hashem, Ito, Souki, Marumoto
H.B. No. 889, HD 2, SD 2	Yamane/Keith-Agaran/Morikawa, Co-Chrs.; Nishimoto, Ching	H.B. No. 1052, HD 2, SD 1	Herkes/Keith-Agaran/Chong, Co-Chrs.; Ito, Souki, Marumoto
H.B. No. 902, HD 2, SD 1	Yamane/Nishimoto/Morikawa, Co-Chrs.; Nakashima, Saiki, Ching	H.B. No. 1056, HD 1, SD 2	Takumi/Rhoads/Yamashita, Co-Chrs.; Belatti, Saiki, Johanson
H.B. No. 905, HD 1, SD 1	Yamane/Mizuno/Morikawa, Co-Chrs.; Jordan, Ching	H.B. No. 1060, HD 1, SD 2	M. Oshiro, Chr.; Chong, McKelvey, Yamashita, Ward

H.B. No. 1063, HD 1, SD 1	Hanohano/M. Oshiro, Co-Chrs.; C. Lee, Mizuno, Ward	H.B. No. 1277, HD 2, SD 2	Tsuji/Chang/Hashem, Co-Chrs.; Kawakami, Tokioka, Riviere
H.B. No. 1070, HD 2, SD 2	Keith-Agaran/Choy, Co-Chrs.; Ito, B. Oshiro, Souki, Thielen	H.B. No. 1286, HD 2, SD 1	Coffman/Kawakami, Co-Chrs.; Evans, Thielen
H.B. No. 1071, HD 2, SD 1	Keith-Agaran/Yamane/Morikawa, Co-Chrs.; Ito, B. Oshiro, Souki, Thielen	H.B. No. 1300, HD 2, SD 2	McKelvey/Choy, Co-Chrs.; Chong, Evans, Jordan, Marumoto
H.B. No. 1076, HD 1, SD 2	Rhoads/McKelvey/Yamashita, Co-Chrs.; Hashem, Johanson	H.B. No. 1307, HD 1, SD 1	McKelvey/Choy, Co-Chrs.; Cabanilla, Chong, Evans, Har, Marumoto
H.B. No. 1079, HD 2, SD 1	Chang/Har, Co-Chrs.; Ito, Tokioka, Riviere	H.B. No. 1308, HD 2, SD 2	McKelvey/Nishimoto/Choy, Co-Chrs.; Carroll, Chong, Har, Hashem, Marumoto
H.B. No. 1082, HD 1, SD 2	Chang/Har, Co-Chrs.; Kawakami, Riviere	H.B. No. 1312, HD 2, SD 2	Chang/Har, Co-Chrs.; Ito, Tokioka, Riviere
H.B. No. 1085, HD 2, SD 2	Aquino/Keith-Agaran/Cullen, Co-Chrs.; Yamane, Fontaine	H.B. No. 1322, HD 2, SD 2	Nishimoto/Tokioka, Co-Chrs.; Chong, Johanson
H.B. No. 1088, HD 1, SD 1	Aquino/Yamane/Cullen, Co-Chrs.; Wooley, Fontaine	H.B. No. 1326, HD 2, SD 1	Nishimoto/Tokioka, Co-Chrs.; Saiki, Wooley, Johanson
H.B. No. 1089, HD 1, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward	H.B. No. 1330, HD 1, SD 2	Yamane/Nishimoto/M. Oshiro, Co-Chrs.; M. Lee, Ching
H.B. No. 1093, HD 1, SD 2	Souki/Rhoads, Co-Chrs.; Cabanilla, Ito, Luke, Tsuji, Johanson	H.B. No. 1333, HD 1, SD 1	Keith-Agaran/Choy, Co-Chrs.; Belatti, Luke, Thielen
H.B. No. 1094, HD 1, SD 2	Souki/Rhoads, Co-Chrs.; Cabanilla, Ito, Luke, Tsuji, Johanson	H.B. No. 1342, HD 1, SD 2	McKelvey/Herkes/Yamashita, Co-Chrs.; Choy, Tokioka, Marumoto
H.B. No. 1107, HD 1, SD 2	Aquino/B. Oshiro, Co-Chrs.; Ito, Takai, Fontaine	H.B. No. 1368, HD 2, SD 1	Keith-Agaran/Choy, Co-Chrs.; Luke, Thielen
H.B. No. 1130, SD 1	Herkes/Keith-Agaran, Co-Chrs.; Cabanilla, B. Oshiro, Marumoto	H.B. No. 1376, SD 1	Keith-Agaran, Chr.; B. Oshiro, Thielen
H.B. No. 1138, SD 2	Keith-Agaran, Chr.; Luke, B. Oshiro, Thielen	H.B. No. 1405, HD 1, SD 1	Chang/Hanohano/Keith-Agaran/M. Oshiro, Co-Chrs.; Har, Jordan, Nakashima, Riviere
H.B. No. 1155, HD 1, SD 1	Keith-Agaran, Chr.; Hanohano, B. Oshiro, Souki, Marumoto	H.B. No. 1407, HD 1, SD 2	Mizuno/Keith-Agaran, Co-Chrs.; Jordan, B. Oshiro, Ching
H.B. No. 1164, HD 1, SD 1	Chang/M. Oshiro, Co-Chrs.; Har, Ito, Tokioka, Riviere	H.B. No. 1411, HD 2, SD 2	Herkes/Keith-Agaran/M. Oshiro, Co-Chrs.; Cabanilla, Ito, McKelvey, Marumoto
H.B. No. 1179, HD 3, SD 1	McKelvey/Herkes/M. Oshiro, Co-Chrs.; Choy, Marumoto	H.B. No. 1434, HD 2, SD 1	Rhoads/Yamashita, Co-Chrs.; Cullen
H.B. No. 1183, HD 2, SD 1	McKelvey/M. Oshiro, Co-Chrs.; Chong, Choy, Marumoto	H.B. No. 1483, HD 1, SD 2	Hanohano/Tsuji/Chang/M. Oshiro, Co-Chrs.; Carroll, Hashem, Ward
H.B. No. 1203, HD 2, SD 1	Yamane/M. Lee, Co-Chrs.; Morikawa, Ching	H.B. No. 1505, HD 2, SD 1	Chang/M. Oshiro, Co-Chrs.; Har, Ichiyama, Kawakami, Riviere
H.B. No. 1221, HD 1, SD 2	Keith-Agaran/McKelvey, Co-Chrs.; Ito, Takai, Thielen	H.B. No. 1513, HD 1, SD 2	Rhoads/B. Oshiro/Yamashita, Co-Chrs.; Aquino, Cabanilla, Cullen, Fontaine
H.B. No. 1230, HD 2, SD 1	Tsuji/Chang/B. Oshiro, Co-Chrs.; Hashem, Nakashima, Riviere	H.B. No. 1520, HD 2, SD 2	Coffman/Herkes, Co-Chrs.; Ito, Kawakami, Thielen
H.B. No. 1241, HD 2, SD 2	Souki/Herkes/Rhoads, Co-Chrs.; Luke, Johanson	H.B. No. 1529, HD 2, SD 1	McKelvey/Hanohano/Keith-Agaran/M. Oshiro, Co-Chrs.; Choy, Nakashima, Marumoto
H.B. No. 1248, HD 1, SD 1	Tsuji/Hashem, Co-Chrs.; Chong, Nakashima, Riviere	H.B. No. 1532, HD 2, SD 2	B. Oshiro/Choy, Co-Chrs.; Luke, Thielen
H.B. No. 1270, HD 1, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward		

H.B. No. 1566, HD 1, SD 1	Chang/Har, Co-Chrs.; Ito, Tokioka, Riviere
H.B. No. 1568, HD 2, SD 2	Souki/Tsuji/Ichiyama, Co-Chrs.; Hashem, Johanson
H.B. No. 1570, HD 2, SD 1	Tsuji/Hashem, Co-Chrs.; Kawakami, Yamashita, Riviere
H.B. No. 1613, HD 1, SD 1	Keith-Agaran/Choy, Co-Chrs.; Luke, Thielen
H.B. No. 1626, HD 1, SD 2	Souki/Ichiyama, Co-Chrs.; Hanohano, Tokioka, Ward
H.B. No. 1642, HD 2, SD 1	McKelvey/Choy, Co-Chrs.; Chong, Yamashita, Marumoto
H.B. No. 1654, HD 1, SD 1	Yamane/Mizuno/Chang, Co-Chrs.; Cabanilla, Ching

House Communication dated April 15, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 12, 2011, and gives notice of intent to agree to the following House Bill:

H.B. No. 1053, HD 1, SD 1

House Communication dated April 15, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 270, SD 1
H.B. No. 298 HD 1, SD 1
H.B. No. 381, HD 1, SD 1
H.B. No. 382, HD 2, SD 2
H.B. No. 424, SD 1
H.B. No. 439, HD 1, SD 1
H.B. No. 546, SD 1
H.B. No. 865, HD 2, SD 2
H.B. No. 1134, HD 1, SD 2
H.B. No. 1552, HD 1, SD 2
H.B. No. 1640, HD 2, SD 1

FIFTIETH DAY

Monday, April 18, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:37 o'clock a.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Har, Jordan, McKelvey, B. Oshiro, Riviere, Souki and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Ninth Day was deferred.

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 195) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 195, dated April 15, 2011, transmitting the Access Hawaii Committee and the Department of Accounting and General Services' Annual Report on the Operation of the Internet Portal for the period July 1, 2009 through June 30, 2010.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 606 through 640) were received and announced by the Clerk:

Sen. Com. No. 606, dated April 15, 2011, informing the House that the Senate has on April 14, 2011, agreed to the amendments proposed by the House to the following Senate Bills and that said bills have this day passed Final Reading:

S.B. No. 1301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS."

S.B. No. 1484, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE."

Sen. Com. No. 607, transmitting S.C.R. No. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 608, transmitting S.C.R. No. 3, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 609, transmitting S.C.R. No. 8, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR NATUROPATHIC MEDICINE," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 610, transmitting S.C.R. No. 10, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT REPORT ON LEGISLATION MANDATING COVERAGE OF PALLIATIVE CARE," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 611, transmitting S.C.R. No. 11, SD 1, entitled: "SENATE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT

ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 612, transmitting S.C.R. No. 12, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE UTILIZATION OF BEST MANAGEMENT PRACTICES IN IRRIGATION TO CONSERVE OUTDOOR WATER USAGE WITHIN THE LANDSCAPE," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 613, transmitting S.C.R. No. 23, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR PHYSICAL THERAPY THAT IS PRESCRIBED BY A BOARD-CERTIFIED SURGEON FOR CHRONIC PAIN," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 614, transmitting S.C.R. No. 26, SD 2, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A HAWAII STATE FALL PREVENTION AND EARLY DETECTION TASK FORCE TO DEVELOP A STATEWIDE APPROACH TO REDUCING FALLS AMONG OLDER ADULTS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 615, transmitting S.C.R. No. 28, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A PROMPT PAYMENT TASK FORCE TO EXAMINE AND RESOLVE ISSUES THAT PREVENT STATE AGENCIES FROM MAKING PROMPT PAYMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, PARTICULARLY HUMAN SERVICE NONPROFIT ORGANIZATIONS, THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, AND COMMUNITIES," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 616, transmitting S.C.R. No. 44, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING FURTHER IMPLEMENTATION OF HOUSING FIRST PROGRAMS AND SERVICES TO COMBAT CHRONIC HOMELESSNESS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 617, transmitting S.C.R. No. 53, SD 1, entitled: "SENATE 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," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 618, transmitting S.C.R. No. 55, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT LEGISLATION THAT REDESIGNATES DISCOVERERS' DAY IN HAWAII AS INDIGENOUS PEOPLES DAY," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 619, transmitting S.C.R. No. 60, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE OF HAWAII TO ADOPT POLICIES THAT LIMIT THE IMPACT OF TOBACCO MARKETING AND ADVERTISING ON THE RESIDENTS OF THE STATE," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 620, transmitting S.C.R. No. 64, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE

ESTABLISHMENT OF AN EARNED TIME PROGRAM," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 621, transmitting S.C.R. No. 72, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RETURN HAWAII PRISONERS HELD IN MAINLAND FACILITIES AND TO CONSIDER CONSTRUCTION OF A NEW PRISON, RE-ENTRY CENTER, OR OTHER CORRECTIONAL FACILITY ON THE BIG ISLAND," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 622, transmitting S.C.R. No. 73, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 623, transmitting S.C.R. No. 84, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO REPORT ON STRATEGIES AND RESOURCES TO REDUCE RECIDIVISM AMONG NATIVE HAWAIIANS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 624, transmitting S.C.R. No. 85, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT RELATING TO GEOTHERMAL RESOURCES," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 625, transmitting S.C.R. No. 93, SD 1, entitled: "SENATE CONCURRENT RESOLUTION DISCOURAGING THE PRACTICE OF CREATING AND USING SPECIALTY TIERS FOR PRESCRIPTION DRUGS IN HEALTH PLANS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 626, transmitting S.C.R. No. 111, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF LARGE-SCALE DOG BREEDERS AND DOG BREEDING FACILITIES," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 627, transmitting S.C.R. No. 113, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII SUPREME COURT STANDING COMMITTEE ON THE RULES OF EVIDENCE TO STUDY AND REPORT ON THE IMPLEMENTATION OF THE HAWAII UNIFORM COLLABORATIVE LAW ACT," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 628, transmitting S.C.R. No. 117, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO REPORT TO THE LEGISLATURE, NO LATER THAN DECEMBER 15, 2011, ON THE PROGRESS OF THE KOKE'E STATE PARK ADVISORY COUNCIL," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 629, transmitting S.C.R. No. 124, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONVENING OF TASK FORCES TO DEVELOP COMMUNITY BENEFITS PACKAGES FOR THE NEIGHBORHOODS LOCATED NEAREST TO LANDFILLS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 630, transmitting S.C.R. No. 127, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A LEGISLATIVE WORKING GROUP TO EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE POLICIES AND PROCEDURES OF THE STATE HEALTH

PLANNING AND DEVELOPMENT AGENCY AND PREPARATION OF AND AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 631, transmitting S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 632, transmitting S.C.R. No. 136, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW EARLY CHILDHOOD DEVELOPMENTAL SCREENING PILOT PROJECTS AND MAKE RECOMMENDATIONS FOR THE DEVELOPMENT OF AN EARLY CHILDHOOD DEVELOPMENTAL SCREENING SYSTEM IN HAWAII," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 633, transmitting S.C.R. No. 149, SD 2, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE STATE ATTORNEY GENERAL AND STATE AND COUNTY LAW ENFORCEMENT AGENCIES TO ADOPT NEW EYEWITNESS IDENTIFICATION PROCEDURES TO DECREASE THE RATE OF ERRONEOUS EYEWITNESS IDENTIFICATIONS AND TO CONDUCT CRIMINAL INVESTIGATIONS IN ACCORDANCE WITH THE NEWEST AND BEST PRACTICES AVAILABLE FOR EYEWITNESS IDENTIFICATIONS," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 634, transmitting S.C.R. No. 153, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING DEVELOPERS AND HOMEBUILDERS TO CONSIDER EITHER THE INSTALLATION OF AUTOMATIC SPRINKLERS OR APPLICATION OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS, DEPENDING ON THE PREFERENCE OF THE HOMEOWNER," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 635, transmitting S.C.R. No. 155, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF IMPLEMENTING A POWERBALL STATE LOTTERY, MEGA MILLIONS LOTTERY, OR BOTH, IN THE STATE," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 636, transmitting S.C.R. No. 158, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FISCAL AND COMPLIANCE AUDIT OF THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 637, transmitting S.C.R. No. 159, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES AND REPORT STATISTICAL DATA RELATED TO IMPLEMENTATION OF ARTICLE XII, SECTION 1 OF THE HAWAII STATE CONSTITUTION," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 638, transmitting S.C.R. No. 171, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO WITHDRAW CERTAIN EXECUTIVE ORDERS SETTING ASIDE PUBLIC LANDS WHERE THE RECEIVING AGENCY HAS FAILED TO USE OR HAS UNDERUTILIZED THE LANDS FOR THE PURPOSE SPECIFIED," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 639, transmitting S.C.R. No. 175, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM APRIL 30, 2011, AS "VIETNAM VETERANS APPRECIATION DAY"," which was adopted by the Senate on April 15, 2011.

Sen. Com. No. 640, transmitting S.C.R. No. 178, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A WORKING GROUP TO DISCUSS MIXED USE DEVELOPMENT IN THE URBAN CORE AND MAIN STREETS, WAYS OF CONSTRUCTING DENSITY IN THE URBAN CORE TO MINIMIZE SPRAWL, AND MIXED USE DEVELOPMENT REGARDING TRANSIT STATIONS," which was adopted by the Senate on April 15, 2011.

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 85) was received by the Clerk and was placed on file:

Dept. Com. No. 85, dated April 13, 2011, from Kalbert K. Young, Director of Finance, Department of Budget and Finance, transmitting the Summary Program Reports for the FB 2011-13 Executive Budget for the University of Hawaii, and BJ details for the FB 2011-13 Executive Budget.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Luke introduced the Student Council Representatives of Lincoln Elementary School, grades 3 through 5. They were accompanied by their teacher, Ms. Cheryl Fukuda.

At 11:41 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representatives Mizuno and Yamane, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1739), recommending that S.C.R. No. 48, 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 S.C.R. No. 48, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION," was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll and Thielen being excused.

FINAL READING

H.B. No. 1134, HD 1, SD 2:

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 House Bills for Final Reading by consent calendar. (Representatives Carroll and Thielen were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll and Thielen were excused.)

H.B. No. 270, (SD 1)
H.B. No. 298, HD 1, (SD 1)
H.B. No. 381, HD 1, (SD 1)
H.B. No. 382, HD 2, (SD 2)
H.B. No. 424, (SD 1)
H.B. No. 439, HD 1, (SD 1)
H.B. No. 546, (SD 1)
H.B. No. 865, HD 2, (SD 2)
H.B. No. 1053, HD 1, (SD 1)
H.B. No. 1552, HD 1, (SD 2)
H.B. No. 1640, HD 2, (SD 1)

H.B. No. 270, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 270, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 298, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 298, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 381, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 381, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 382, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 382, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward 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 H.B. No. 382, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 424, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 424, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 439, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 439, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 546, SD 1:

Representative B. Oshiro moved that H.B. No. 546, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Ching 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 H.B. No. 546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Final Reading by a vote of 45 ayes to 4 noes, with Representatives Fontaine, Johanson, Riviere and Ward voting no, and with Representatives Carroll and Thielen being excused.

H.B. No. 865, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 865, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Ching 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 H.B. No. 865, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES," passed Final Reading by a vote of 45 ayes to 4 noes, with Representatives Fontaine, Marumoto, Pine and Ward voting no, and with Representatives Carroll and Thielen being excused.

H.B. No. 1053, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1053, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 1552, HD 1, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1552, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

H.B. No. 1640, HD 2, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1640, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Thielen being excused.

At 12:17 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 270, SD 1
H.B. No. 298, HD 1, SD 1
H.B. No. 381, HD 1, SD 1
H.B. No. 382, HD 2, SD 2
H.B. No. 424, SD 1
H.B. No. 439, HD 1, SD 1
H.B. No. 546, SD 1
H.B. No. 865, HD 2, SD 2
H.B. No. 1053, HD 1, SD 1
H.B. No. 1552, HD 1, SD 2
H.B. No. 1640, HD 2, SD 1

INTRODUCTION OF RESOLUTIONS

The following resolution (H.C.R. No. 319) was announced by the Clerk and the following action taken:

H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JAPANESE CONSUL GENERAL IN HONOLULU TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," was offered by Representative Say.

Representative B. Oshiro moved that H.C.R. No. 319 be adopted, seconded by Representative Evans.

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of House Concurrent Resolution No. 319.

"Mr. Speaker, on March 11, 2011, a 9.0 magnitude earthquake struck the northeastern coast of Honshu Island, Japan, triggering tsunami waves that reached a height of sixty feet in some areas. The resulting devastation along the northeastern coastline impacted the lives of many throughout Japan, as well as here in Hawaii. The impact to Hawaii has been immeasurable both economically, as well as personally, as many Hawaii residents have friends and relatives living in the affected areas. Following the disaster in Japan, Hawaii's residents immediately began community-wide fundraising relief efforts. Other than what we hear on the radio or view on the television, we in Hawaii do not know the true extent of the devastation in Japan nor the actions taken by the government.

"Mr. Speaker, this House Concurrent Resolution invites the Japanese Consul General in Hawaii, the honorable Yoshihiko Kamo to address the State of Hawaii Legislature in a rare Joint Session. Through this Joint Session, Mr. Kamo will update the Legislature on the aftermath of the devastation and give insight to the present situation.

"Mr. Speaker, I ask all of my colleagues to support House Concurrent Resolution 319."

The motion was put to vote by the Chair and carried, and H.C.R. No. 319 was adopted, with Representatives Carroll and Thielen being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Carroll and Thielen were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll and Thielen were excused.)

H.B. No. 122, HD 1, (SD 2)
H.B. No. 1069, HD 2, (SD 1)

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, just to announce that the Budget Summit is coming on Wednesday. That's this Wednesday at 10:00 in the Auditorium. It'll be a good chance to have the last licks at the budget, and

what are some of the revenue and some of the enhancements. The House Minority budget will be presented in addition to expert presentations on what the other states are doing in balancing their budget and how they're doing it. We have an expert coming in from Washington D.C. So that's the Budget Summit on Wednesday, 10:00 in the Capitol Auditorium. Thank you."

Representative M. Lee: "Mr. Speaker, I'd just like to remind the Members that tomorrow IHS will come to pick up the Easter baskets which are being collected. We have a lot of them in our office so if you haven't dropped off your Easter basket to my office, you can also bring it directly downstairs tomorrow at 2:00. Thank you, very much."

Representative Cabanilla: "Thank you, Mr. Speaker. I'd just like to make an announcement to our Members. I'm very happy about this since we are in discussion about mortgage refinancing and foreclosures. As of April 1st, the federal law has been enacted so there are no more origination fees. If you get a mortgage, or refinance a mortgage, the bulk of the closing costs are origination fees. So for those of you that want to refinance, there're no more origination fees. Thank you, Mr. Speaker."

Representative Brower: "Thank you, Mr. Speaker. It being Tax Day I would just like to let everyone know that according to the National Tax Foundation founded in 1937, Hawaii's Tax Freedom Day is April 6th. Tax Freedom Day is an estimate of how long Americans have to work into the year to pay their combined federal, state, and local tax bill.

"Hawaii's Tax Freedom Day falls 27 days before other states and it falls after 20 other states. Of the 20 states it falls after, 13 of those states come within four days of Hawaii's Tax Freedom Day. Thank you."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

S.C.R.

Nos.

Referred to:

2, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
8, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
10, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management
11, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Legislative Management
12, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
23, SD1	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
26, SD2	Committee on Health, then to the Committee on Finance
28, SD2	Committee on Finance

44, SD1	Committee on Housing, then to the Committee on Finance
53, SD1	Committee on Human Services, then to the Committee on Finance
55, SD1	Jointly to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts
60, SD1	Committee on Health, then to the Committee on Finance
64, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
72, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
73, SD1	Jointly to the Committee on Agriculture and the Committee on Economic Revitalization & Business, then to the Committee on Finance
84, SD1	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
85, SD1	Committee on Energy & Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance
93, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
111, SD1	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management
113, SD1	Committee on Judiciary
117, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
124, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance
127, SD1	Committee on Health, then to the Committee on Legislative Management
130, SD1	Jointly to the Committee on Education and the Committee on Culture & the Arts, then to the Committee on Finance
136, SD1	Committee on Health, then to the Committee on Finance
149, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
153, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Housing
155, SD2	Committee on Judiciary, then to the Committee on Legislative Management, then to the Committee on Finance
158	Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
159, SD2	Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs, then to the Committee on Finance
171, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

175, Committee on Public Safety & Military Affairs
SD1

178, Jointly to the Committee on Water, Land, & Ocean Resources
SD1 and the Committee on Housing and the Committee on
Transportation, then to the Committee on Legislative
Management

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
2, SD2, HD1	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
101, SD1, HD2	Committee on Hawaiian Affairs, then to the Committee on Health, then to the Committee on Consumer Protection & Commerce
105, SD2, HD1	Committee on Judiciary, then to the Committee on Finance
112, SD1, HD1	Committee on Economic Revitalization & Business, then to the Committee on Tourism, then to the Committee on Finance
145, SD2, HD2	Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
146, SD1, HD2	Committee on Energy & Environmental Protection, then to the Committee on Transportation, then to the Committee on Finance
150, SD2, HD2	Committee on Health, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
219, SD1, HD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
318, SD2, HD2	Committee on Economic Revitalization & Business, then to the Committee on Higher Education, then to the Committee on Finance
333, SD3, HD2	Committee on Hawaiian Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
590, SD1, HD2	Committee on Economic Revitalization & Business, then to the Committee on Legislative Management, then to the Committee on Finance
946, SD1, HD1	Committee on Judiciary, then to the Committee on Human Services, then to the Committee on Finance
1079, SD2, HD2	Committee on Agriculture, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
1086, SD1, HD2	Committee on Health, then to the Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce

1213, SD1, HD1	Committee on Economic Revitalization & Business, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1347, SD1, HD2	Committee on Consumer Protection & Commerce, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance
1382, SD2, HD1	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Legislative Management, then to the Committee on Finance
1385, SD2, HD2	Committee on Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
1482, SD1, HD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1511, SD1, HD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Transportation, then to the Committee on Finance
1522, SD2, HD1	Committee on Economic Revitalization & Business, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary, then to the Committee on Finance
1559, SD2, HD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

ADJOURNMENT

At 12:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 19, 2011. (Representatives Carroll and Thielen were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 18, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 2, SD 2, HD 1	Hanohano/Chang/Har, Co-Chrs.; Kawakami, Ward
S.B. No. 11, SD 2, HD 2	Aquino/Cullen, Co-Chrs.; Awana, Saiki, Fontaine
S.B. No. 14, SD 2, HD 1	Tsuji/Chang/Hashem, Co-Chrs.; Nakashima, Tokioka, Riviere
S.B. No. 23, SD 1, HD 2	Hanohano/Chang/M. Oshiro, Co-Chrs.; Har, C. Lee, Ward
S.B. No. 34, SD 1, HD 1	B. Oshiro/M. Oshiro, Co-Chrs.; Luke, McKelvey, Thielen
S.B. No. 40, SD 2, HD 2	Yamane/Herkes/Keith-Agaran, Co-Chrs.; Morikawa, Pine
S.B. No. 44, SD 1, HD 1	Aquino/Cullen, Co-Chrs.; Ichiyama, Souki, Fontaine

S.B. No. 45, HD 1	Aquino/Rhoads/Cullen, Co-Chrs.; Awana, Saiki, Fontaine	S.B. No. 240, SD 2, HD 2	Yamane/M. Lee, Co-Chrs.; Morikawa, Pine
S.B. No. 48, SD 1, HD 2	Aquino/M. Oshiro, Co-Chrs.; Cullen, Ichiyama, Fontaine	S.B. No. 243, SD 2, HD 1	Nishimoto/Tokioka, Co-Chrs.; Nakashima, Saiki, Johanson
S.B. No. 49, SD 1, HD 2	Aquino/Yamashita, Co-Chrs.; Cullen, Ichiyama, Fontaine	S.B. No. 244, HD 1	Nishimoto/Tokioka, Co-Chrs.; Nakashima, Saiki, Wooley, Johanson
S.B. No. 52, SD 1, HD 1	Keith-Agaran/Choy, Co-Chrs.; Brower, Luke, Rhoads, Thielen	S.B. No. 249, SD 2, HD 2	Tsuji/M. Oshiro, Co-Chrs.; Hashem, Nakashima, Riviere
S.B. No. 98, SD 2, HD 1	Souki/Herkes/M. Oshiro, Co-Chrs.; Chong, Ichiyama, Tokioka, Johanson	S.B. No. 281, SD 2, HD 2	Tsuji/Hashem, Co-Chrs.; Awana, Riviere
S.B. No. 99, SD 2, HD 1	Herkes/M. Oshiro, Co-Chrs.; Chong, Coffman, Nakashima, Tokioka, Marumoto	S.B. No. 283, SD 1, HD 1	McKelvey/Hanohano/Choy, Co-Chrs.; Chong, Nakashima, Ward
S.B. No. 101, SD 1, HD 2	Hanohano/Yamane/Herkes, Co-Chrs.; C. Lee, Wooley, Ward	S.B. No. 285, SD 2, HD 2	Yamane/Mizuno/Morikawa, Co-Chrs.; Herkes, Pine
S.B. No. 105, SD 2, HD 1	Keith-Agaran/Choy, Co-Chrs.; Brower, Luke, Thielen	S.B. No. 289, SD 2, HD 1	Takumi/M. Oshiro, Co-Chrs.; Belatti, Chang, Johanson
S.B. No. 106, SD 1, HD 1	Keith-Agaran/Rhoads, Co-Chrs.; Brower, Ito, Souki	S.B. No. 298, SD 3, HD 3	McKelvey/Herkes/M. Oshiro, Co-Chrs.; Awana, Choy, Marumoto
S.B. No. 112, SD 1, HD 1	McKelvey/Brower/Choy, Co-Chrs.; Evans, Marumoto	S.B. No. 318, SD 2, HD 2	McKelvey/Nishimoto/Choy, Co-Chrs.; Carroll, Chong, Har, Hashem, Marumoto
S.B. No. 142, SD 1, HD 1	Chang/Tsuji/Har, Co-Chrs.; Nakashima, Riviere	S.B. No. 333, SD 3, HD 2	Hanohano/Chang/M. Oshiro, Co-Chrs.; Evans, Har, C. Lee, Ching
S.B. No. 145, SD 2, HD 2	Tsuji/Chang/Hashem, Co-Chrs.; Har, Nakashima, Riviere	S.B. No. 367, SD 3, HD 2	Coffman/Herkes/M. Oshiro, Co-Chrs.; Chong, Ito, Kawakami, Nakashima, Marumoto
S.B. No. 146, SD 1, HD 2	Coffman/Souki/M. Oshiro, Co-Chrs.; Chong, Ito, Kawakami, Thielen	S.B. No. 573, SD 2, HD 2	Hanohano/M. Oshiro, Co-Chrs.; C. Lee, Tokioka, Ward
S.B. No. 150, SD 2, HD 2	Yamane/Chang/M. Lee, Co-Chrs.; Morikawa, Wooley, Pine	S.B. No. 590, SD 1, HD 2	McKelvey/Yamashita/Choy, Co-Chrs.; Marumoto
S.B. No. 155, SD 2, HD 1	Herkes/Keith-Agaran/Chong, Co-Chrs.; Brower, Chang, Tokioka, Marumoto	S.B. No. 596, SD 2, HD 1	Yamane/Nishimoto/Morikawa, Co-Chrs.; Nakashima, Saiki, Pine
S.B. No. 163, SD 1, HD 1	M. Oshiro, Chr.; M. Lee, Ward	S.B. No. 631, SD 1, HD 2	Coffman/Chang/Tsuji, Co-Chrs.; Ito, Kawakami, Thielen
S.B. No. 165, SD 2, HD 1	McKelvey/Choy, Co-Chrs.; Evans, Hashem, Nishimoto, Marumoto	S.B. No. 651, SD 2, HD 2	Herkes/Keith-Agaran/M. Oshiro, Co-Chrs.; Cabanilla, Ito, McKelvey, Riviere
S.B. No. 172, SD 2, HD 2	Aquino/Keith-Agaran, Co-Chrs.; Cullen, M. Lee, Takai, Fontaine	S.B. No. 652, SD 2, HD 1	Herkes/Keith-Agaran/M. Oshiro, Co-Chrs.; Cabanilla, Ito, McKelvey, Riviere
S.B. No. 173, SD 2, HD 2	Aquino/Keith-Agaran, Co-Chrs.; Cullen, Saiki, Fontaine	S.B. No. 699, SD 2, HD 2	Coffman/Kawakami, Co-Chrs.; Chong, Tokioka, Thielen
S.B. No. 181, SD 1, HD 1	Coffman/Cabanilla/Chang/Herkes, Co-Chrs.; Chong, Kawakami, Thielen	S.B. No. 725, SD 2, HD 1	Coffman/M. Oshiro, Co-Chrs.; Hashem, Kawakami, Thielen
S.B. No. 217, SD 2, HD 2	Mizuno/Keith-Agaran, Co-Chrs.; Jordan, Wooley, Pine	S.B. No. 742, SD 2, HD 1	Aquino/Rhoads/Cullen, Co-Chrs.; Yamane, Fontaine
S.B. No. 219, SD 1, HD 1	Aquino/Yamane/M. Lee, Co-Chrs.; Jordan, Luke, Morikawa, Fontaine	S.B. No. 752, SD 2, HD 1	McKelvey/Choy, Co-Chrs.; Chong, Evans
S.B. No. 229, SD 1, HD 2	Rhoads/Mizuno/Keith-Agaran, Co-Chrs.; Jordan, B. Oshiro, Fontaine	S.B. No. 753, SD 2, HD 2	McKelvey/Choy, Co-Chrs.; Chong, Evans, Hashem, Marumoto
S.B. No. 239, SD 2, HD 2	Yamane/Nishimoto/M. Oshiro, Co-Chrs.; M. Lee, Nakashima, Ward	S.B. No. 758, SD 1, HD 2	McKelvey/Choy, Co-Chrs.; Awana, Evans, Marumoto

S.B. No. 772, SD 2, HD 2	Coffman/McKelvey/M. Oshiro, Co-Chrs.; Chong, Ito, Kawakami, Thielen	S.B. No. 1061, SD 1, HD 1	Rhoads/M. Oshiro, Co-Chrs.; Jordan, M. Lee, Yamashita, Ward
S.B. No. 778, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward	S.B. No. 1062, SD 1, HD 1	Rhoads/M. Oshiro, Co-Chrs.; Hashem, M. Lee, Yamashita, Ward
S.B. No. 779, SD 2, HD 2	McKelvey/Choy, Co-Chrs.; Evans, Ichiyama, Marumoto	S.B. No. 1065, SD 1, HD 1	Rhoads/Aquino/M. Oshiro, Co-Chrs.; Awana, Cullen, Saiki, Ward
S.B. No. 782, SD 2, HD 1	Aquino/Keith-Agaran, Co-Chrs.; Cullen, Takai, Fontaine	S.B. No. 1067, SD 1, HD 2	Aquino/Keith-Agaran, Co-Chrs.; Brower, Cullen, Fontaine
S.B. No. 787, SD 2, HD 1	Mizuno/Yamane/Jordan, Co-Chrs.; Morikawa, Wooley, Pine	S.B. No. 1068, SD 1, HD 1	Keith-Agaran, Chr.; Ito, Luke, Souki, Thielen
S.B. No. 797, SD 1, HD 1	Yamane/M. Oshiro, Co-Chrs.; Jordan, Morikawa, Yamashita, Pine	S.B. No. 1069, SD 1, HD 1	Keith-Agaran, Chr.; Ito, Luke, B. Oshiro, Thielen
S.B. No. 806, SD 1, HD 2	Takumi/M. Lee, Co-Chrs.; Belatti, Ito, C. Lee, Johanson	S.B. No. 1073, SD 2, HD 2	Keith-Agaran/Choy, Co-Chrs.; Brower, Luke, B. Oshiro, Thielen
S.B. No. 809, SD 1, HD 1	Nishimoto/Yamashita, Co-Chrs.; Nakashima, Saiki, Tokioka, Johanson	S.B. No. 1076, SD 1, HD 3	Rhoads/McKelvey/Keith-Agaran/Yamashita, Co-Chrs.; Ichiyama, M. Lee, Johanson
S.B. No. 823, SD 1, HD 1	Souki/McKelvey/Ichiyama, Co-Chrs.; Johanson	S.B. No. 1078, SD 2, HD 1	Rhoads/M. Oshiro, Co-Chrs.; Chong, M. Lee, Yamashita, Ward
S.B. No. 883, SD 2, HD 1	Aquino/Cullen, Co-Chrs.; Kawakami, Takai, Fontaine	S.B. No. 1079, SD 2, HD 2	Tsuji/Chang/Keith-Agaran/Hashem, Co-Chrs.; Har, Nakashima, Tokioka, Riviere
S.B. No. 892, SD 2, HD 2	Yamane/Keith-Agaran, Co-Chrs.; Brower, Cabanilla, Wooley, Pine	S.B. No. 1083, SD 1, HD 1	Rhoads/M. Oshiro, Co-Chrs.; M. Lee, Yamashita, Ward
S.B. No. 893, SD 3, HD 2	Yamane/Morikawa, Co-Chrs.; C. Lee, Tokioka, Wooley, Pine	S.B. No. 1086, SD 1, HD 2	Yamane/McKelvey/Herkes, Co-Chrs.; Tokioka
S.B. No. 900, SD 2, HD 2	Cabanilla/Mizuno/Chong, Co-Chrs.; Ching	S.B. No. 1088, SD 1, HD 1	Rhoads/McKelvey/Yamashita, Co-Chrs.; Cullen, Ichiyama, Johanson
S.B. No. 903, SD 1, HD 1	Cabanilla/Chong, Co-Chrs.; Jordan, Kawakami, Pine	S.B. No. 1089, SD 1, HD 2	Rhoads/McKelvey/Keith-Agaran/M. Oshiro, Co-Chrs.; Choy, Yamashita, Johanson
S.B. No. 912, SD 2, HD 1	Cabanilla/Chang/Chong, Co-Chrs.; Kawakami, Pine	S.B. No. 1095, SD 1, HD 1	Rhoads/M. Oshiro, Co-Chrs.; Kawakami, M. Lee, Yamashita, Ward
S.B. No. 921, SD 2, HD 3	Mizuno/Keith-Agaran/Jordan, Co-Chrs.; Tsuji, Wooley, Pine	S.B. No. 1153, SD 1, HD 2	Tsuji/Hashem, Co-Chrs.; Chong, Nakashima, Riviere
S.B. No. 946, SD 1, HD 1	Keith-Agaran/Mizuno/M. Lee, Co-Chrs.; Jordan, Luke, B. Oshiro, Thielen	S.B. No. 1154, SD 2, HD 1	Chang/Har, Co-Chrs.; Evans, Herkes, Riviere
S.B. No. 975, SD 1, HD 2	McKelvey/Herkes/Keith-Agaran, Co-Chrs.; Nakashima, Tsuji, Riviere	S.B. No. 1161, SD 1, HD 3	McKelvey/Herkes/Yamashita, Co-Chrs.; Choy, Tokioka, Marumoto
S.B. No. 986, SD 2, HD 3	Hanohano/Aquino/Keith-Agaran/C. Lee, Co-Chrs.; Wooley, Ward	S.B. No. 1174, SD 2, HD 1	Takumi/M. Oshiro, Co-Chrs.; Belatti, M. Lee, Johanson
S.B. No. 1006, SD 1, HD 1	Coffman/Chang, Co-Chrs.; Ito, Kawakami, Riviere	S.B. No. 1213, SD 1, HD 1	McKelvey/Chang/Choy, Co-Chrs.; Cabanilla, Kawakami, Marumoto
S.B. No. 1025, SD 1, HD 1	Aquino/Keith-Agaran, Co-Chrs.; Cullen, Ichiyama, Kawakami, Fontaine	S.B. No. 1219, SD 2, HD 2	Chang/Coffman/M. Oshiro, Co-Chrs.; Ito, Thielen
S.B. No. 1040, SD 1, HD 2	Rhoads/Keith-Agaran, Co-Chrs.; Luke, Yamashita, Johanson	S.B. No. 1221, SD 2, HD 1	Rhoads/McKelvey/Yamashita, Co-Chrs.; Cullen, Ichiyama, Fontaine
S.B. No. 1054, SD 1, HD 2	Mizuno/Keith-Agaran, Co-Chrs.; Brower, Jordan, Pine	S.B. No. 1241, SD 1, HD 1	Chang/Cabanilla/Har, Co-Chrs.; Chong, Riviere
S.B. No. 1055, SD 1, HD 1	Rhoads/M. Oshiro, Co-Chrs.; Ichiyama, M. Lee, Yamashita, Ward		

S.B. No. 1244, SD 2, HD 1	Coffman/M. Oshiro, Co-Chrs.; Chong, Ito, Kawakami, Thielen	S.B. No. 1358, SD 2, HD 2	Aquino/Cullen, Co-Chrs.; Chang, Hanohano, Tsuji, Fontaine
S.B. No. 1247, SD 2, HD 2	Souki/Chang/Ichiyama, Co-Chrs.; Har, Tokioka, Johanson	S.B. No. 1360, SD 1, HD 2	Mizuno/M. Lee, Co-Chrs.; Hashem, Pine
S.B. No. 1269, SD 2, HD 2	Rhoads/M. Oshiro, Co-Chrs.; Cullen, Yamashita, Fontaine	S.B. No. 1363, SD 2, HD 2	Coffman/McKelvey/M. Oshiro, Co-Chrs.; Chong, Hashem, Tokioka, Thielen
S.B. No. 1271, HD 1	M. Oshiro, Chr.; Choy, M. Lee, Ward	S.B. No. 1382, SD 2, HD 1	Nishimoto/Takumi/Yamashita/Tokioka, Co-Chrs.; Belatti, Nakashima, Johanson
S.B. No. 1274, SD 2, HD 3	Yamane/Herkes/Keith-Agaran/M. Lee, Co-Chrs.; Mizuno, Morikawa, Pine	S.B. No. 1383, SD 2, HD 2	Takumi/M. Lee, Co-Chrs.; Belatti, Johanson
S.B. No. 1277, SD 2, HD 2	Herkes/Keith-Agaran/Yamashita, Co-Chrs.; Cabanilla, Luke, Marumoto	S.B. No. 1385, SD 2, HD 2	Takumi/Chang/M. Oshiro, Co-Chrs.; Belatti, Har, Johanson
S.B. No. 1278, SD 1, HD 2	Herkes/Keith-Agaran/Yamashita, Co-Chrs.; Brower, Cabanilla, Marumoto	S.B. No. 1386, SD 1, HD 1	Nishimoto/Tokioka, Co-Chrs.; C. Lee, Nakashima, Johanson
S.B. No. 1281, SD 1, HD 1	Takumi/M. Lee, Co-Chrs.; Belatti, Saiki, Johanson	S.B. No. 1393, SD 2, HD 2	Tsuji/Chang/Hashem, Co-Chrs.; Awana, Brower, Riviere
S.B. No. 1282, SD 1, HD 1	Takumi/M. Lee, Co-Chrs.; Belatti, Wooley, Johanson	S.B. No. 1394, SD 1, HD 1	Cabanilla/Chang/Chong, Co-Chrs.; Har, Nakashima, Pine
S.B. No. 1284, SD 2, HD 1	Takumi/M. Lee, Co-Chrs.; Belatti, C. Lee, Johanson	S.B. No. 1417, SD 1, HD 1	Mizuno, Chr.; Jordan, C. Lee, Wooley, Pine
S.B. No. 1285, SD 2, HD 1	M. Oshiro, Chr.; Hashem, M. Lee, Yamashita, Ward	S.B. No. 1458, SD 2, HD 3	Yamane/Aquino/Keith-Agaran/M. Oshiro, Co-Chrs.; Ito, Riviere
S.B. No. 1290, SD 1, HD 2	Hanohano/M. Oshiro, Co-Chrs.; C. Lee, Mizuno, Ward	S.B. No. 1482, SD 1, HD 1	Coffman/Herkes/M. Oshiro, Co-Chrs.; Ito, Kawakami, Thielen
S.B. No. 1291, SD 2, HD 2	Mizuno/Keith-Agaran/Jordan, Co-Chrs.; Tsuji, Wooley, Pine	S.B. No. 1483, SD 1, HD 1	Brower/Herkes, Co-Chrs.; Cabanilla, Evans, Hashem, Ching
S.B. No. 1300, SD 2, HD 2	Yamane/Morikawa, Co-Chrs.; M. Lee, Souki, Tsuji, Pine	S.B. No. 1485, SD 1, HD 1	Takumi/M. Lee, Co-Chrs.; Belatti, Saiki, Johanson
S.B. No. 1311, SD 2, HD 1	Chang/Coffman/Har, Co-Chrs.; Ito, Tokioka, Riviere	S.B. No. 1489, SD 1, HD 1	Keith-Agaran, Chr.; Luke, B. Oshiro, Thielen
S.B. No. 1325, SD 1, HD 1	Souki/Keith-Agaran, Co-Chrs.; Ichiyama, Johanson	S.B. No. 1491, SD 1, HD 1	Keith-Agaran/Choy, Co-Chrs.; Brower, Ito, Luke, Thielen
S.B. No. 1328, SD 1, HD 2	Souki/M. Oshiro, Co-Chrs.; Yamashita, Riviere	S.B. No. 1493, SD 1, HD 3	Souki/Coffman/Ichiyama, Co-Chrs.; Evans, Johanson
S.B. No. 1329, SD 1, HD 2	Souki/M. Oshiro, Co-Chrs.; Yamashita, Riviere	S.B. No. 1496, SD 1, HD 1	McKelvey/Choy, Co-Chrs.; Evans, Nishimoto, Marumoto
S.B. No. 1331, SD 2, HD 2	Nishimoto/Tokioka, Co-Chrs.; Chong, Nakashima, Johanson	S.B. No. 1503, SD 2, HD 1	Takumi/M. Lee, Co-Chrs.; Belatti, Hanohano, Johanson
S.B. No. 1332, SD 2, HD 2	Nishimoto/Tokioka, Co-Chrs.; Choy, Nakashima, Johanson	S.B. No. 1511, SD 1, HD 2	Chang/Tsuji/Souki/Har, Co-Chrs.; Chong, Riviere
S.B. No. 1342, SD 1, HD 1	Souki/Keith-Agaran, Co-Chrs.; Brower, Ichiyama, Mizuno, Johanson	S.B. No. 1519, SD 3, HD 2	Herkes/Keith-Agaran/Chong, Co-Chrs.; Cabanilla, Evans, Marumoto
S.B. No. 1347, SD 1, HD 2	Herkes/Coffman/M. Oshiro, Co-Chrs.; Chong, Ito, Kawakami, Marumoto	S.B. No. 1520, SD 2, HD 3	Hanohano/Keith-Agaran/C. Lee, Co-Chrs.; Chong, Jordan, B. Oshiro, Ward
S.B. No. 1348, SD 2, HD 3	Yamane/Herkes/M. Oshiro, Co-Chrs.; Chong, Morikawa, Pine	S.B. No. 1522, SD 2, HD 1	McKelvey/Herkes/Keith-Agaran/Choy, Co-Chrs.; Yamane, Marumoto
S.B. No. 1356, SD 1, HD 1	M. Oshiro, Chr.; Choy, M. Lee, Ward	S.B. No. 1530, SD 1, HD 2	Chang/Brower/Har, Co-Chrs.; Kawakami, Nakashima, Tokioka, Tsuji, Riviere

S.B. No. 1533, Keith-Agaran, Chr.;
SD 1, HD 1 Ito, Luke, Souki, Thielen

S.B. No. 1549, Chang/Har, Co-Chrs.;
SD 2, HD 1 Tokioka, Riviere

S.B. No. 1555, Chang/Har, Co-Chrs.;
SD 2, HD 2 Tokioka, Riviere

S.B. No. 1559, Tsuji/Chang/Herkes/Hashem, Co-Chrs.;
SD 2, HD 2 Har, Riviere

S.B. No. 782, Representative Rhoads replaced Representative
SD 2, HD 1 Keith-Agaran as Co-Chair.

S.B. No. 892, Representative B. Oshiro replaced Representative
SD 2, HD 2 Keith-Agaran as Co-Chair.

S.B. No. 921, Representative B. Oshiro replaced Representative
SD 2, HD 3 Keith-Agaran as Co-Chair.

S.B. No. 986, Representative Rhoads replaced Representative
SD 2, HD 3 Keith-Agaran as Co-Chair.

S.B. No. 1054, Representative B. Oshiro replaced Representative
SD 1, HD 2 Keith-Agaran as Co-Chair.

S.B. No. 1067, Representative Rhoads replaced Representative
SD 1, HD 2 Keith-Agaran as Co-Chair.

S.B. No. 1291, Representative B. Oshiro replaced Representative
SD 2, HD 2 Keith-Agaran as Co-Chair.

S.B. No. 1325, Representative Rhoads replaced Representative
SD 1, HD 1 Keith-Agaran as Co-Chair.

S.B. No. 1342, Representative Rhoads replaced Representative
SD 1, HD 1 Keith-Agaran as Co-Chair.

S.B. No. 1491, Representative B. Oshiro replaced Representative
SD 1, HD 1 Keith-Agaran as Co-Chair.

House Communication dated April 18, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 227, Added Representative Tokioka as a member.
HD 2, SD 2

H.B. No. 240, Added Representative Rhoads as a member.
SD 1

H.B. No. 393, Added Representative Har as a member.
HD 2, SD 2

H.B. No. 608, Added Representative Mizuno as a member.
HD 3, SD 1

H.B. No. 761, Representative M. Oshiro replaced Representative
HD 1, SD 2 Morikawa as Co-Chair.
Added Representative Morikawa as a member.

H.B. No. 1020, Added Representative Tokioka as a member.
HD 2, SD 2

H.B. No. 1326, Added Representative Nakashima as a member.
HD 2, SD 1

H.B. No. 1330, Added Representative Nakashima as a member.
HD 1, SD 2

House Communication dated April 18, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 761, Added Representative Mizuno as a member.
HD 1, SD 2

S.B. No. 40, Representative B. Oshiro replaced Representative
SD 2, HD 2 Keith-Agaran as Co-Chair.

S.B. No. 52, Representative Rhoads replaced Representative
SD 1, HD 1 Keith-Agaran as Co-Chair.

S.B. No. 105, Representative B. Oshiro replaced Representative
SD 2, HD 1 Keith-Agaran as Co-Chair.

S.B. No. 155, Representative B. Oshiro replaced Representative
SD 2, HD 1 Keith-Agaran as Co-Chair.

S.B. No. 172, Representative Rhoads replaced Representative
SD 2, HD 2 Keith-Agaran as Co-Chair.

S.B. No. 173, Representative Rhoads replaced Representative
SD 2, HD 2 Keith-Agaran as Co-Chair.

House Communication dated April 18, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

H.B. No. 389, Discharged all conferees.
HD 3, SD 2

House Communication dated April 18, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 122, HD 1, SD 2
H.B. No. 1069, HD 2, SD 1

House Communication dated April 18, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 270, SD 1
H.B. No. 298, HD 1, SD 1
H.B. No. 381, HD 1, SD 1
H.B. No. 382, HD 2, SD 2
H.B. No. 424, SD 1
H.B. No. 439, HD 1, SD 1
H.B. No. 546, SD 1
H.B. No. 865, HD 2, SD 2
H.B. No. 1053, HD 1, SD 1
H.B. No. 1552, HD 1, SD 2
H.B. No. 1640, HD 2, SD 1

FIFTY-FIRST DAY

Tuesday, April 19, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:40 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Hashem, C. Lee and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fiftieth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 641 through 645) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 641, transmitting H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL ACTIVE, RESERVE, AND GUARD COMPONENTS OF THE UNITED STATES MILITARY AND THE ACTIVE AND RESERVE COMPONENTS OF THE UNITED STATES COAST GUARD TO MAKE RESOURCES AVAILABLE TO IMPROVE THE OPPORTUNITIES FOR CONTINUAL CARE FOR THE DOMESTIC ANIMALS OWNED BY MEMBERS OF THE UNITED STATES MILITARY AND UNITED STATES COAST GUARD WHO ARE REQUIRED TO DEPLOY OR RELOCATE," which was adopted by the Senate on April 18, 2011.

Sen. Com. No. 642, dated April 18, 2011, informing the House that the Senate has on April 15, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 81, HD 2
S.B. No. 698, SD 2, HD 1
S.B. No. 1233, SD 2, HD 2
S.B. No. 1327, SD 2, HD 1
S.B. No. 1349, SD 1, HD 1
S.B. No. 1416, SD 1, HD 1

Sen. Com. No. 643, dated April 18, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 2, SD 2, HD 1	Dela Cruz, Chair; Kidani, Co-Chair; Kahele, Solomon, Slom
S.B. No. 11, SD 2, HD 2	Espero, Chair; Ige, Co-Chair; Kim, Kouchi, Wakai
S.B. No. 14, SD 2, HD 1	Nishihara, Chair; Kidani/Kouchi, Co-Chairs; Dela Cruz
S.B. No. 23, SD 1, HD 2	Dela Cruz, Chair; Galuteria, Co-Chair; Hee, Ryan, Solomon, Slom
S.B. No. 40, SD 2, HD 2	Green, Chair; Baker/Hee, Co-Chairs; Gabbard, Wakai
S.B. No. 41, SD 1, HD 1	Green, Chair; Hee/Baker, Co-Chairs
S.B. No. 44, SD 1, HD 1	Espero, Chair; Kidani, Slom
S.B. No. 45, HD 1	Espero, Chair; Hee, Co-Chair; Kim, Kouchi, Slom

S.B. No. 48, SD 1, HD 2	Espero, Chair; Kidani, Slom
S.B. No. 49, SD 1, HD 2	Espero, Chair; Kidani, Ryan
S.B. No. 52, SD 1, HD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
S.B. No. 98, SD 2, HD 1	English, Chair; Baker, Co-Chair; Kahele
S.B. No. 99, SD 2, HD 1	Baker, Chair; Ige/Kouchi, Co-Chairs; Nishihara, Slom
S.B. No. 101, SD 1, HD 2	Green, Chair; Shimabukuro, Slom
S.B. No. 106, SD 1, HD 1	Espero, Chair; Hee, Co-Chair; Shimabukuro
S.B. No. 112, SD 1, HD 1	Espero, Chair; Fukunaga/Kim/Ige, Co-Chairs; Kouchi, Slom
S.B. No. 120, SD 1, HD 1	Ige, Chair; Fukunaga, Kidani, Kim, Slom
S.B. No. 142, SD 1, HD 1	Dela Cruz, Chair; Ige, Co-Chair; Kouchi, Solomon, Slom
S.B. No. 145, SD 2, HD 2	Nishihara, Chair; Dela Cruz/Kidani/Kouchi, Co-Chairs; Slom
S.B. No. 150, SD 2, HD 2	Chun Oakland, Chair; Ige, Co-Chair; Ihara
S.B. No. 163, SD 1, HD 1	Ige, Chair; Kidani, Slom
S.B. No. 165, SD 2, HD 1	Espero, Chair; Fukunaga/Ige, Co-Chairs; Slom
S.B. No. 172, SD 2, HD 2	Espero, Chair; Hee, Co-Chair; Slom
S.B. No. 173, SD 2, HD 2	Espero, Chair; Hee, Co-Chair; Ryan
S.B. No. 181, SD 1, HD 1	Gabbard, Chair; Dela Cruz/Espero, Co-Chairs
S.B. No. 217, SD 2, HD 2	Chun Oakland, Chair; Hee, Co-Chair; Ihara, Shimabukuro, Slom
S.B. No. 219, SD 1, HD 1	Green, Chair; Espero, Co-Chair; Shimabukuro, Slom
S.B. No. 229, SD 1, HD 2	Hee, Chair; Shimabukuro/Kim, Co-Chairs
S.B. No. 240, SD 2, HD 2	Tokuda, Chair; Green/Ige, Co-Chairs
S.B. No. 243, SD 2, HD 1	Tokuda, Chair; Kidani, Co-Chair; Taniguchi
S.B. No. 244, HD 1	Tokuda, Chair; Taniguchi, Slom

S.B. No. 249, SD 2, HD 2	Nishihara, Chair; Kidani, Co-Chair; Dela Cruz, Slom	S.B. No. 809, SD 1, HD 1	Tokuda, Chair; Kidani, Co-Chair; Slom
S.B. No. 281, SD 2, HD 2	Nishihara, Chair; Kidani, Co-Chair; Dela Cruz, Wakai	S.B. No. 831, SD 2, HD 1	Fukunaga, Chair; Ige, Co-Chair; Baker, English, Slom
S.B. No. 283, SD 1, HD 1	Dela Cruz, Chair; Solomon, Co-Chair; Kahele, Ryan, Slom	S.B. No. 900, SD 2, HD 2	Chun Oakland, Chair; Ige, Co-Chair; Fukunaga, Ihara, Slom
S.B. No. 285, SD 2, HD 2	Chun Oakland, Chair; Ige, Co-Chair; Green, Kahele, Slom	S.B. No. 903, SD 1, HD 1	Dela Cruz, Chair; Kidani, Co-Chair; Chun Oakland, Solomon, Slom
S.B. No. 289, SD 2, HD 1	Tokuda, Chair; Kidani, Co-Chair; Slom	S.B. No. 912, SD 2, HD 1	Chun Oakland, Chair; Ige, Co-Chair; Fukunaga, Ihara, Slom
S.B. No. 298, SD 3, HD 3	Baker, Chair; Hee, Co-Chair; Taniguchi	S.B. No. 975, SD 1, HD 2	Baker, Chair; Taniguchi, Slom
S.B. No. 318, SD 2, HD 2	Fukunaga, Chair; Tokuda/Ige, Co-Chairs; English, Kouchi	S.B. No. 1006, SD 1, HD 1	Gabbard, Chair; Green, Slom
S.B. No. 333, SD 3, HD 2	Fukunaga, Chair; Ige, Co-Chair; Wakai	S.B. No. 1025, SD 1, HD 1	Hee, Chair; Shimabukuro, Co-Chair; Gabbard
S.B. No. 570, SD 2, HD 1	Ige, Chair; Espero, Fukunaga	S.B. No. 1054, SD 1, HD 2	Hee, Chair; Shimabukuro, Co-Chair; Slom
S.B. No. 573, SD 2, HD 2	Ige, Chair; Galuteria, Kahele, Kidani, Slom	S.B. No. 1065, SD 1, HD 1	Espero, Chair; Hee, Co-Chair; Shimabukuro
S.B. No. 596, SD 2, HD 1	Green, Chair; Tokuda/Ige, Co-Chairs; Shimabukuro, Wakai	S.B. No. 1067, SD 1, HD 2	Hee, Chair; Shimabukuro, Co-Chair; Slom
S.B. No. 631, SD 1, HD 2	Gabbard, Chair; Nishihara/Dela Cruz, Co-Chairs	S.B. No. 1086, SD 1, HD 2	Baker, Chair; Galuteria, Taniguchi
S.B. No. 651, SD 2, HD 2	Baker, Chair; Ige, Co-Chair; Taniguchi	S.B. No. 1089, SD 1, HD 2	Hee, Chair; Shimabukuro/Kim, Co-Chairs
S.B. No. 652, SD 2, HD 1	Baker, Chair; Ige, Co-Chair; Slom	S.B. No. 1107, SD 1, HD 2	Ige, Chair; Chun Oakland, Kidani, Kouchi, Slom
S.B. No. 723, SD 1, HD 2	Gabbard, Chair; Hee, Co-Chair; Slom	S.B. No. 1153, SD 1, HD 2	Nishihara, Chair; Kidani, Co-Chair; Wakai, Slom
S.B. No. 741, SD 1, HD 1	Espero, Chair; Baker/Ige/Kouchi, Co-Chairs; Slom	S.B. No. 1161, SD 1, HD 3	Fukunaga, Chair; Espero/Baker, Co-Chairs; Slom
S.B. No. 742, SD 2, HD 1	Espero, Chair; Ige, Co-Chair; Slom	S.B. No. 1174, SD 2, HD 1	Tokuda, Chair; Kidani, Co-Chair; Slom
S.B. No. 753, SD 2, HD 2	Fukunaga, Chair; Ige, Co-Chair; Baker	S.B. No. 1213, SD 1, HD 1	Espero, Chair; Dela Cruz, Co-Chair; Slom
S.B. No. 754, SD 1, HD 1	Ige, Chair; Kidani, Kouchi, Slom	S.B. No. 1219, SD 2, HD 2	Solomon, Chair; Ige, Co-Chair; English, Ryan, Slom
S.B. No. 758, SD 1, HD 2	Fukunaga, Chair; Wakai, Slom	S.B. No. 1221, SD 2, HD 1	Espero, Chair; Hee, Co-Chair; Ryan
S.B. No. 772, SD 2, HD 2	Fukunaga, Chair; Gabbard/Ige, Co-Chairs	S.B. No. 1244, SD 2, HD 1	Gabbard, Chair; Baker, Co-Chair; Slom
S.B. No. 778, SD 1, HD 1	Fukunaga, Chair; Ige, Co-Chair; Slom	S.B. No. 1247, SD 2, HD 2	Dela Cruz, Chair; Ige, Co-Chair; Kim, Solomon, Slom
S.B. No. 779, SD 2, HD 2	Espero, Chair; Ige, Co-Chair; Kidani, Ryan	S.B. No. 1270, SD 2, HD 1	Baker, Chair; Ige, Co-Chair; Kidani, Kouchi, Taniguchi
S.B. No. 806, SD 1, HD 2	Tokuda, Chair; Baker, Co-Chair; Slom	S.B. No. 1271, HD 1	Ige, Chair; Espero, Kidani, Kouchi, Slom

S.B. No. 1278, SD 1, HD 2 Baker, Chair; Galuteria, Taniguchi, Slom

S.B. No. 1282, SD 1, HD 1 Tokuda, Chair; Nishihara, Slom

S.B. No. 1284, SD 2, HD 1 Tokuda, Chair; Chun Oakland/Kidani, Co-Chairs; Slom

S.B. No. 1311, SD 2, HD 1 Solomon, Chair; Kidani, Co-Chair; English, Kahele, Ryan

S.B. No. 1331, SD 2, HD 2 Tokuda, Chair; Kidani, Co-Chair; Slom

S.B. No. 1332, SD 2, HD 2 Tokuda, Chair; Espero, Co-Chair; Slom

S.B. No. 1347, SD 1, HD 2 Baker, Chair; Taniguchi, Slom

S.B. No. 1348, SD 2, HD 3 Baker, Chair; Green/Ige, Co-Chairs

S.B. No. 1355, SD 1, HD 2 Fukunaga, Chair; Ige, Co-Chair; Chun Oakland

S.B. No. 1356, SD 1, HD 1 Ige, Chair; Fukunaga, Kidani, Kouchi, Slom

S.B. No. 1358, SD 2, HD 2 Espero, Chair; Ige, Co-Chair; Kahele, Slom

S.B. No. 1360, SD 1, HD 2 Chun Oakland, Chair; Ihara, Slom

S.B. No. 1382, SD 2, HD 1 Tokuda, Chair; Kidani, Co-Chair; Slom

S.B. No. 1383, SD 2, HD 2 Tokuda, Chair; Kidani, Co-Chair; Slom

S.B. No. 1385, SD 2, HD 2 Tokuda, Chair; Dela Cruz/Ige, Co-Chairs

S.B. No. 1394, SD 1, HD 1 Chun Oakland, Chair; Dela Cruz/Ige, Co-Chairs; Slom

S.B. No. 1483, SD 1, HD 1 Baker, Chair; Kim, Taniguchi, Slom

S.B. No. 1485, SD 1, HD 1 Tokuda, Chair; Kidani, Co-Chair; Slom

S.B. No. 1493, SD 1, HD 3 Gabbard, Chair; Fukunaga, Co-Chair; Ihara

S.B. No. 1496, SD 1, HD 1 Espero, Chair; Fukunaga/Ige, Co-Chairs; Slom

S.B. No. 1503, SD 2, HD 1 Tokuda, Chair; Kidani, Co-Chair; Ryan, Slom

S.B. No. 1511, SD 1, HD 2 Nishihara, Chair; Dela Cruz/Ige, Co-Chairs; Wakai, Slom

S.B. No. 1522, SD 2, HD 1 Baker, Chair; Hee, Co-Chair; Slom

S.B. No. 1533, SD 1, HD 1 Hee, Chair; Shimabukuro, Co-Chair; Slom

S.B. No. 1549, SD 2, HD 1 Dela Cruz, Chair; Kouchi/Ige, Co-Chairs; Galuteria, Solomon, Slom

S.B. No. 1555, SD 2, HD 2 Dela Cruz, Chair; Ige, Co-Chair; Galuteria, Kouchi, Solomon, Slom

Sen. Com. No. 644, dated April 18, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 4, HD 2, SD 2 Tokuda, Chair; Espero/Kidani, Co-Chairs; Kouchi, Slom

H.B. No. 79, HD 1, SD 1 Ige, Chair; Espero, Fukunaga, Kidani, Slom

H.B. No. 121, HD 1, SD 1 Espero, Chair; Kidani, Co-Chair; Slom

H.B. No. 122, HD 1, SD 2 Gabbard, Chair; Dela Cruz/Nishihara, Co-Chairs; Ihara, Slom

H.B. No. 129, HD 2, SD 2 Green, Chair; Chun Oakland, Co-Chair; Slom

H.B. No. 130, HD 1, SD 1 Espero, Chair; Kidani, Co-Chair; Slom

H.B. No. 159, HD 1, SD 2 Tokuda, Chair; Kidani, Co-Chair; Slom

H.B. No. 200, HD 1, SD 1 Ige, Chair; Chun Oakland, Dela Cruz, English, Espero, Fukunaga, Kahele, Kidani, Kim, Kouchi, Ryan, Tokuda, Wakai

H.B. No. 227, HD 2, SD 2 Nishihara, Chair; Hee/Solomon, Co-Chairs; Kahele, Slom

H.B. No. 235, HD 2, SD 2 Fukunaga, Chair; Baker, Co-Chair; Wakai

H.B. No. 270, SD 1 Espero, Chair; Dela Cruz/Kidani, Co-Chairs; Slom

H.B. No. 273, HD 1, SD 1 Green, Chair; Baker/Chun Oakland, Co-Chairs

H.B. No. 277, HD 2, SD 2 Espero, Chair; Kidani, Co-Chair; Kouchi

H.B. No. 301, SD 1 Fukunaga, Chair; Hee/Espero, Co-Chairs

H.B. No. 318, HD 2, SD 2 Espero, Chair; Kidani, Co-Chair; Slom

H.B. No. 319, HD 1, SD 1 Baker, Chair; Taniguchi, Slom

H.B. No. 320, HD 2, SD 1 Baker, Chair; Galuteria, Green, Taniguchi, Slom

H.B. No. 331, HD 2, SD 2 Dela Cruz, Chair; Solomon/Kouchi/Ige, Co-Chairs; Ryan, Slom

H.B. No. 338, HD 2, SD 1 Tokuda, Chair; Kidani, Slom

H.B. No. 393, HD 2, SD 2 English, Chair; Hee, Co-Chair; Slom

H.B. No. 424, SD 1	English, Chair; Gabbard, Co-Chair; Slom	H.B. No. 905, HD 1, SD 1	Green, Chair; Chun Oakland, Co-Chair; Slom
H.B. No. 484, SD 2	Green, Chair; Baker, Co-Chair; Slom	H.B. No. 915, HD 2, SD 2	Espero, Chair; Kidani, Co-Chair; Slom
H.B. No. 491, HD 1, SD 1	Espero, Chair; Ige, Co-Chair; Kim, Slom	H.B. No. 924, HD 2, SD 2	Baker, Chair; Hee, Co-Chair; Slom
H.B. No. 492, HD 2, SD 2	Espero, Chair; Ige, Co-Chair; Kim, Slom	H.B. No. 931, SD 1	Dela Cruz, Chair; Solomon, Co-Chair; Slom
H.B. No. 496, SD 2	Dela Cruz, Chair; Solomon/Kidani/Gabbard, Co-Chairs; Slom	H.B. No. 945, HD 2, SD 1	Tokuda, Chair; Kidani, Co-Chair; Nishihara
H.B. No. 505, HD 2, SD 2	English, Chair; Espero, Co-Chair; Slom	H.B. No. 953, HD 2, SD 1	Tokuda, Chair; Kidani, Co-Chair; Taniguchi
H.B. No. 526, HD 1, SD 2	Fukunaga, Chair; Espero, Co-Chair; Wakai	H.B. No. 985, HD 2, SD 2	Espero, Chair; Ige, Co-Chair; Kidani, Ryan
H.B. No. 597, HD 1, SD 1	Green, Chair; Hee, Co-Chair; Wakai, Slom	H.B. No. 1000, HD 2, SD 2	Espero, Chair; Fukunaga/Kidani, Co-Chairs
H.B. No. 605, HD 2, SD 2	Espero, Chair; Kidani, Co-Chair; Ryan	H.B. No. 1020, HD 2, SD 2	Dela Cruz, Chair; Solomon/Kim/Kidani, Co-Chairs; Slom
H.B. No. 608, HD 3, SD 1	Green, Chair; Chun Oakland, Co-Chair; Slom	H.B. No. 1045, HD 1, SD 2	Baker, Chair; Espero, Co-Chair; Slom
H.B. No. 614, HD 2, SD 1	Green, Chair; Chun Oakland, Co-Chair; Slom	H.B. No. 1049, HD 2, SD 2	Baker, Chair; Espero, Co-Chair; Slom
H.B. No. 663, HD 2, SD 2	Baker, Chair; Hee, Co-Chair; Slom	H.B. No. 1053, HD 1, SD 1	Baker, Chair; Green, Co-Chair; Slom
H.B. No. 667, HD 1, SD 2	Nishihara, Chair; Fukunaga/Kidani/Dela Cruz, Co-Chairs; Slom	H.B. No. 1060, HD 1, SD 2	Fukunaga, Chair; Ige, Co-Chair; Wakai
H.B. No. 678, HD 3, SD 2	Fukunaga, Chair; Baker/Hee/Ige, Co-Chairs	H.B. No. 1071, HD 2, SD 1	Green, Chair; Espero/Hee, Co-Chairs; Slom
H.B. No. 688, HD 2, SD 2	Tokuda, Chair; Hee/Kidani, Co-Chairs; Kouchi, Slom	H.B. No. 1079, HD 2, SD 1	Dela Cruz, Chair; Solomon/Kidani, Co-Chairs
H.B. No. 747, HD 1, SD 2	Espero, Chair; Baker, Co-Chair; Slom	H.B. No. 1082, HD 1, SD 2	Dela Cruz, Chair; Solomon/Ige, Co-Chairs
H.B. No. 828, HD 2, SD 1	Fukunaga, Chair; Hee/Ige, Co-Chairs; Slom	H.B. No. 1089, HD 1, SD 1	Ige, Chair; Fukunaga, Kidani
H.B. No. 848, HD 2, SD 1	Ige, Chair; Chun Oakland, Kidani, Kouchi, Slom	H.B. No. 1093, HD 1, SD 2	English, Chair; Hee, Co-Chair; Slom
H.B. No. 850, HD 1, SD 2	Solomon, Chair; English/Ige, Co-Chairs; Ryan, Slom	H.B. No. 1094, HD 1, SD 2	Baker, Chair; English/Hee, Co-Chairs; Taniguchi, Slom
H.B. No. 865, HD 2, SD 2	Nishihara, Chair; Ige/Wakai, Co-Chairs	H.B. No. 1130, SD 1	Baker, Chair; Hee, Co-Chair; Slom
H.B. No. 866, HD 2, SD 2	Nishihara, Chair; Kidani, Co-Chair; Wakai, Slom	H.B. No. 1134, HD 1, SD 2	Green, Chair; Baker/Hee, Co-Chairs; Shimabukuro, Slom
H.B. No. 879, HD 1, SD 2	Baker, Chair; Hee, Co-Chair; Slom	H.B. No. 1164, HD 1, SD 1	Dela Cruz, Chair; Solomon/Ige/Kouchi, Co-Chairs; Slom
H.B. No. 889, HD 2, SD 2	Green, Chair; Hee, Co-Chair; Shimabukuro, Slom	H.B. No. 1179, HD 3, SD 1	Ige, Chair; Espero, Fukunaga, Kim, Slom
H.B. No. 902, HD 2, SD 1	Green, Chair; Tokuda/Ige, Co-Chairs; Shimabukuro, Slom	H.B. No. 1183, HD 2, SD 1	Fukunaga, Chair; Ige, Co-Chair; Chun Oakland

H.B. No. 1230, HD 2, SD 1 Nishihara, Chair; Dela Cruz/Espero, Co-Chairs; Kahele, Kouchi, Slom

H.B. No. 1248, HD 1, SD 1 Nishihara, Chair; Kidani/Kouchi, Co-Chairs; Slom

H.B. No. 1270, HD 1, SD 1 Ige, Chair; Espero, Fukunaga

H.B. No. 1277, HD 2, SD 2 Nishihara, Chair; Kidani/Kouchi, Co-Chairs; Solomon, Slom

H.B. No. 1300, HD 2, SD 2 Fukunaga, Chair; Ige, Co-Chair; Slom

H.B. No. 1307, HD 1, SD 1 Fukunaga, Chair; Ige, Co-Chair; Slom

H.B. No. 1308, HD 2, SD 2 Fukunaga, Chair; Tokuda/Ige, Co-Chairs; Kouchi, Slom

H.B. No. 1312, HD 2, SD 2 Dela Cruz, Chair; Solomon/Ige, Co-Chairs; Kouchi, Slom

H.B. No. 1322, HD 2, SD 2 Tokuda, Chair; Ige, Co-Chair; Taniguchi

H.B. No. 1326, HD 2, SD 1 Tokuda, Chair; Taniguchi, Slom

H.B. No. 1342, HD 1, SD 2 Fukunaga, Chair; Espero/Baker, Co-Chairs; Solomon, Slom

H.B. No. 1405, HD 1, SD 1 Solomon, Chair; Kidani/Dela Cruz/Galuteria, Co-Chairs; Hee

H.B. No. 1411, HD 2, SD 2 Baker, Chair; Ige, Co-Chair; Taniguchi

H.B. No. 1434, HD 2, SD 1 Baker, Chair; Hee, Co-Chair; Taniguchi

H.B. No. 1447, HD 2, SD 2 Baker, Chair; Hee, Co-Chair; Slom

H.B. No. 1483, HD 1, SD 2 Nishihara, Chair; Kidani/Galuteria/Kouchi, Co-Chairs; Ryan, Slom

H.B. No. 1505, HD 2, SD 1 Dela Cruz, Chair; Solomon/Kouchi/Ige, Co-Chairs

H.B. No. 1520, HD 2, SD 2 Gabbard, Chair; Baker, Co-Chair; Ihara

H.B. No. 1529, HD 2, SD 1 Solomon, Chair; Ige/Dela Cruz/Galuteria, Co-Chairs; Hee, Slom

H.B. No. 1552, HD 1, SD 2 Nishihara, Chair; Baker/Kahele, Co-Chairs; Slom

H.B. No. 1566, HD 1, SD 1 Dela Cruz, Chair; Ige/Kouchi, Co-Chairs; Solomon

H.B. No. 1568, HD 2, SD 2 English, Chair; Nishihara/Ige, Co-Chairs; Slom

H.B. No. 1570, HD 2, SD 1 Nishihara, Chair; Dela Cruz/Kidani, Co-Chairs

H.B. No. 1626, HD 1, SD 2 Espero, Chair; Ige, Co-Chair; Kahele, Ryan

H.B. No. 1642, HD 2, SD 1 Fukunaga, Chair; Ige, Co-Chair; Baker, Slom

H.B. No. 1654, HD 1, SD 1 Green, Chair; Espero, Co-Chair; Slom

Sen. Com. No. 645, dated April 18, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 105, SD 2, HD 1 Baker, Chair; Espero, Co-Chair; Galuteria, Taniguchi, Slom

S.B. No. 155, SD 2, HD 1 Baker, Chair; Espero, Co-Chair; Taniguchi

S.B. No. 233, SD 2, HD 1 Green, Chair; Baker/Chun Oakland, Co-Chairs

S.B. No. 787, SD 2, HD 1 Green, Chair; Chun Oakland, Co-Chair; Baker, Nishihara, Slom

S.B. No. 797, SD 1, HD 1 Green, Chair; Chun Oakland, Co-Chair; Baker, Nishihara, Slom

S.B. No. 893, SD 3, HD 2 Baker, Chair; Espero, Co-Chair; Slom

S.B. No. 1274, SD 2, HD 3 Baker, Chair; Green/Espero, Co-Chairs

S.B. No. 1277, SD 2, HD 2 Baker, Chair; Hee/Espero, Co-Chairs

S.B. No. 1285, SD 2, HD 1 Fukunaga, Chair; Espero, Co-Chair; Wakai, Slom

S.B. No. 1300, SD 2, HD 2 Green, Chair; Chun Oakland/Baker, Co-Chairs; Nishihara, Shimabukuro, Slom

S.B. No. 1458, SD 2, HD 3 Green, Chair; Chun Oakland/Espero, Co-Chairs; English, Shimabukuro

S.B. No. 1519, SD 3, HD 2 Baker, Chair; Espero, Co-Chair; Taniguchi

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Manahan welcomed members of the Pan-Pacific Southeast Asia Women's Association, Hawaii:

Ms. Mary Keegan, President;
Ms. Asipau Pamela McMoore, First Vice President;
Ms. Elaine Singh, Second Vice President;
Ms. Lorrie Maland, Third Vice President;
Ms. Teresita Bernales, Nomination Chair;
Ms. Irene Fujimoto;
Ms. Tiva Aga;
Ms. Florence Goh;
Ms. Faye Domke; and
Ms. Florence Kelley.

Representative Awana introduced the students of Nanakuli High and Intermediate School who participated in the Blue Planet Foundation's We Have the Power clean energy rally. They were accompanied by staff members, Ms. Marlene Takahashi and Ms. Jackie Ku.

Keanu Freitas;
 Wade Kalua;
 Lyle Tuiloma;
 Joshua Auilla;
 Nakanaela Kipi;
 Sosaia Ofa;
 Henry Kawailima;
 Joseph Balera;
 Lazette Pang;
 Iokelani Acasia-Kamakea;
 Nelson Mangrobang
 Abner Hemios;
 Jayden McCoy;
 Melvin Midallia;
 Leo Suesue; and
 Alika Say.

Representative Choy introduced students from Roosevelt High School and the University Laboratory School.

Representative Tokioka introduced his friend, Mr. Gerald Orozco, former Legislative Director for the Los Angeles City Council. He was accompanied by Mr. John Carlin.

At 11:47 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock p.m.

ORDER OF THE 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 House Bills for Final Reading by consent calendar. (Representatives Awana, Carroll, Chang, Cullen, Hashem, Herkes, Ichiyama, C. Lee, Souki and Wooley were excused.)

UNFINISHED BUSINESS

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans:

H.B. No. 1134, HD 1, (SD 2)

Representative Belatti rose to speak in opposition to the motion, stating:

"Thank you. I rise in opposition, but I'll reserve my comments for Final Reading."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments made by the Senate to the noted House Bill, with Representative Belatti voting no, and with Representatives Carroll, Hashem and C. Lee being excused.

H.B. No. 1134, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 1134, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this motion on House Bill 1134, House Draft 1, Senate Draft 2. Thank you. First I'd like to start by clarifying what a no vote means at this point in the legislative process with regards to this bill. I think we all agree that the Prepaid Health Care Act is one of the landmark pieces of legislation that we hope to preserve.

"So a no vote now means simply that we are pushing this bill to Conference so that the troubling questions that had persisted with the movement of this bill can be answered more definitively, or a compromise effective date can be placed into this measure that preserves the Prepaid Health Care Act, but allows the industry to move forward with all the measures that they have to do to comply with regulations.

"I think this is the better, more cautious approach to take because I think back to comments like, 'measure twice, cut once.' I think this bill and the removal of the termination clause raises even more troubling questions that we can take a pause by enacting a compromise effective date. I believe that a no vote here will actually help improve this measure. For my conscience, for my constituents I don't want to let this bill move forward if it should in fact jeopardize prepaid health care in the State of Hawaii. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. My concerns to this measure go not only to the possibility of an ERISA preemption, but to a phrase in the purpose clause as well. The Hawaii Prepaid Law will be repealed, and I quote from the purpose clause. 'Upon the effective date of federal legislation that provides for voluntary prepaid health care for the people of Hawaii in a manner at least as favorable as the healthcare provided by this chapter, or upon the effective date of federal legislation that provides for the mandatory prepaid health care for the people of Hawaii.'

"I take issue with the ambiguous phrase, 'in a manner at least as favorable.' That is a condition, should Congress pass a law that provides for voluntary healthcare for Hawaii. What does at least as favorable mean? Access to healthcare, prescriptive medicines, external review committees. Or does it refer to the number of people covered. Perhaps a higher percentage than is covered by our present prepaid insurance. This may prove to be a contentious provision.

"Of course it is more likely that Congress will pass a Mandatory Health Insurance Act so this concern in that case will be moot. But because there are real unknowns, I would prefer that we go slow in this bill.

"I also note that there is a lot of favorable testimony from many important groups in the community, HMSA, Hawaii Association of Health Plans, ILWU, Chamber of Commerce of Hawaii, American Cancer Society, American Association of Retired Persons.

"However on February 23rd the AG opined that House Bill 1134 is preempted by ERISA, the Employee Retirement Income Security Act. There might have been a change since February, but I note that the Department of Commerce and Consumer Affairs defers to the Department of Labor and Industrial Relations. The Department of Labor testimony has been in support. However the Department concludes federal legislation appears eminent and such amendment may not possess the level of high quality healthcare currently enjoyed by Hawaii's citizens. The Department notes however the changes to the Prepaid Health Care Act are subject to preemption by the federal ERISA Healthcare Act.

"So for those reasons, I think we should step back and reassess the possible adverse ramifications of House Bill 1134. Thank you."

Representative Takai rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. I'd first like to incorporate the words of the previous two speakers as if they were my own. And I'd also like permission to insert additional written comments. Thank you, Mr. Speaker.

"You know, Mr. Speaker. I had made some statements yesterday and as a result of the statements, we received a couple of communications. One was from HMSA, and the other from the Hawaii Association of Health Plans. And let me be very clear, crystal clear, I personally support the Hawaii Prepaid Health Care Act. It's done us best for the last 30-plus years, and it will continue to do us best, better than, I argue. Better than the federal Healthcare Act that's coming into being hopefully January 1st,

2014. Okay so let's make that very clear. My no vote by no means suggests that I don't support the Hawaii Prepaid Health Care Act. In fact my note vote today shows that I totally support the Prepaid Health Care Act and I'm very concerned about the effective date.

"The effective date, upon approval, means that any time after the Governor signs it, we're basically up in the air. The feds can come down and rule against us immediately. All I suggested is we delay it. Now I've made the recommendation of delaying it one day prior to the effective date of the federal Act, December 31st, 2013. We have since learned from HMSA that that's not practical. I agree with that, but what's the harm with extending the effective date to June 30, 2012, one year. One additional year to work with the feds to make it crystal clear that our intentions as the State of Hawaii is to continue the Prepaid Health Care Act. What's the harm?

"From my perspective there is no harm so I don't understand why we're here on the Floor today rushing this piece of legislation at the request of HMSA and the Hawaii Association of Health Plans, because I do believe as lawmakers we need to be very clear as to what the effects this will have on probably the most or one of the most significant pieces of legislation that the Hawaii State Legislature has ever passed. Thank you, Mr. Speaker."

Representative Takai's written remarks are as follows:

"April 18, 2011 at 6:13 p.m.

"I responded to her email and requested clarification. Unfortunately, I didn't receive a reply to this email. Below are her email and my response.

From: Jennifer Diesman [Jennifer_Diesman@hmsa.com]
Sent: Monday, April 18, 2011 6:13 PM
To: Jennifer Diesman; Mark Oto
Subject: HB 1134 HD1, SD2 - Relating to Prepaid Health Care



April 18, 2011

TO Members of the Hawaii House of Representatives

FROM: Jennifer Diesman and Mark Oto

Re: **HB 1134 HD1, SD2 – Relating to Prepaid Health Care**

We write to provide information regarding HB 1134, HD1, SD2, which would repeal Section 393-5, Hawaii Revised Statutes, the sunset provision in the State's Prepaid Health Care Act (PHCA). This measure is needed now to communicate Hawaii's commitment to preserving the 35 year old PHCA.

We understand legal questions have been raised. And, as a result, it has been suggested that the effective date of the bill can be delayed until December 31, 2013, which is one day before the federal Affordable Care Act (ACA) must be fully implemented, on January 1, 2014.

As you know, the PHCA has delivered undeniable benefits to our islands: better overall health in Hawaii compared to the mainland, lower uninsured rates, remarkable access to care and generally smaller dues for health plans. The individual mandate in the ACA is unproven. It is because the PHCA is established and effective that it is imperative that Hawaii takes action now to preserve it, even as we move towards fully implementing the ACA in 2014. Taking action now signals to the federal government and Congress our clear intention to preserve the PHCA.

From an operational perspective, it's not possible to wait until 2013 for clarity on which direction the State will pursue --- the federal ACA or Hawaii's own PHCA. There is a cloud of uncertainty for health plans and employers who purchase health care coverage for their employees.

For example, the planning required of employers and health plans to

comply with both the PHCA and ACA as parallel, and sometimes conflicting, regulatory schemes takes a huge amount of effort. Having the sunset provision issue immediately addressed would reduce that uncertainty and make for a more successful implementation of the ACA, while ensuring the continued benefits of the PHCA.

We all are committed to the successful implementation of the ACA while preserving Hawaii's own, unique PHCA. We believe the passage and enactment of HB 1134, HD1, SD2 is an important step to that end.

Please do not hesitate contacting me at (808) 561-6397 or e-mail me at Jennifer_Diesman@hmsa.com

Mahalo.

Jennifer Diesman

From: Rep. K. Mark Takai
Sent: Tuesday, April 19, 2011 12:59 AM
To: Jennifer Diesman; Mark Oto
Cc: All Reps; Sen. Josh Green; Sen. Roz Baker
Subject: Diesman: HB 1134 HD1, SD2 - Relating to Prepaid Health Care

Jennifer:

Thanks for your email. I, too, share your commitment to the implementation of the federal ACA and the continuation of Hawaii's PHCA.

My concern is that this bill may jeopardize Hawaii's PHCA and our ERISA exemption.

All I'm requesting is that we take this bill into conference and extend the effective date of the act to a later date, which will allow additional time to ensure that a bill like this will not eliminate PHCA upon the effective date of this act.

Maybe December 31, 2013 is too far away. However, what's wrong with June 30, 2012 or December 31, 2012 (it still gives us the 2012 session to fix something should be find a problem).

Does HMSA actually need more than two years to plan? And is there anything wrong with an effective date of June 30, 2012 or December 31, 2012?

Can you let us know about this before 11 a.m. on Tuesday.

By the way, passing a bill with a delayed effective date can still signal to the Feds that we intend to keep our PHCA.

Thanks, K. Mark Takai"

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise also in opposition. First, Mr. Speaker, I commend both sides of the aisle for the commitment that they have with this issue. A no is a no - not a yes with reservations. A sincerely-felt issue as some of us very sincerely will, and I will repeat. What is the hurry? What is the rush? And I hope someone from the other point of view will answer the question. Why now?

"Generally speaking, Mr. Speaker, we are told to be wary of rushing anything. When you buy a house and the salesman says, 'If you don't buy today it's going to be gone tomorrow.' Or the car salesman, 'If you don't buy today, it's going to be gone.' I think that makes us a little edgy and the methodology. Even though the House is accused of being the Body that is more adjusted and responds quickly to the people's needs. The Senate being the more deliberate. If it does get through the House, hopefully the Senate as a deliberating body will stop this in the tracks.

"Because we don't want to jeopardize what we have, therefore being premature, Mr. Speaker. And as Shakespeare said, 'Discretion is the better part of valor.' I think to be discrete is to contemplate this, weigh the options, and then act. Because there are two sides of this issue. They're too uncertain that if we do pass it and we make a mistake, there's going to be a lot of regret and a lot of mourn. Therefore, Mr. Speaker, I think this is premature and I vote no. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. The reason I support this is I believe that we need to take affirmative steps to ensure that our Prepaid Health Care Act remains in place. And unfortunately, currently because of the uncertainty that exists on the federal level, we don't have that certainty. Therefore my understanding is the signals we received from the US Department of Health and Human Services is that we need to take affirmative action to demonstrate that we want our Prepaid Health Care Act to stay in place. That is the purpose and intent behind the passage of this bill. Because otherwise without this bill, at any moment our Prepaid Health Care Act could automatically sunset without any of our control or without us doing anything. That is something we want to avoid at all costs. And therefore that is the purpose of putting forward this bill.

"As to the question of whether we're rushing. I would say there's no rush. This is something that has moved through the legislative process. I do think there is a wide and varied amount of opinions as to what the practical effect of this will be and I think no one knows, and that is the unfortunate uncertainty that exists. Because, my understanding is the Department of Health and Human Services currently is in the process of issuing regulations. Some of these regulations are hundreds of pages, and that's just a single regulation because it comes with the regs, and it also comes with the opinions and interpretations thereby. When this is completed what will happen is there's going to be thousands of pages of regulations.

"Under the federal law, all you have is the 'skeleton.' The flesh is actually put on the bones through the regulation. The reason why we need to take action now is Hawaii stands sort of in limbo. We cannot demonstrate to the Department of Health and Human Services that we are committed to our Prepaid Health Care Act as long as this termination, this automatic sunset clause exists in our law. Because what they will tell us is, 'Why should we actually go through the process of evaluating our regulations against what you have passed to determine whether you will be in compliance or not. Whether you will actually be preempted or not, when at the end of the day, this could all just dissipate by any action of the Legislature.' And so what we need to do is affirmatively show we want to keep this in 'stone.'

"Now there is another question as to whether our action today could possibly preempt it. That's a whole other question. Again, I think that one remains uncertain. However I do take some comfort in two pieces of authority.

"The first one is found in the Republic of Iraq vs. Beatty 129 Supreme Court 2183 in 2009, where the Supreme Court of the United States held that a sunset clause is generally construed not to define substantive rights or powers, but instead merely to limit the time in which they may be exercised. So what this is saying under our US Supreme Court law of the land is generally sunset clauses, whether you leave them in place, whether you take them away, are procedural and not substantive in nature.

"The second reason I also believe that this actual action under the preemption question, whether we pass this is not that dangerous is because when you look at the legislative history of the Congress, and that is how preemption is determined. There is only one test under preemption under the Constitutionality of preemption and that is Congressional intent. When you look at what happened in 1974, a United States Supreme Court Case in 1981, Standard Oil Company vs. Agsalud 663 F.2d 670 where they actually held that our Prepaid Health Care Act was preempted by ERISA. It was later in that year that we finally got our exemption from ERISA and since 1974, things have remained okay.

"And so I think there's Congressional intent not only in the ERISA bill, but also in the ACA, the federal healthcare legislation that shows they want Hawaii's law to remain in place. And so I don't think that any preemption would suddenly throw out the baby with the bath water to entirely delete our exemption under ERISA just because we've taken this one step in affirmatively showing we want to keep our Prepaid Health Care Act.

"The third thing that I would say brings me comfort when it comes to this preemption doctrine."

Representative Manahan rose to yield his time, and the Chair "so ordered."

Representative B. Oshiro continued, stating:

"And I'm sorry, this is my last point. Preemption is a limited doctrine in application. What that means is if there is a preemption question, if there is a challenge that is brought, all that will happen is House Bill 1134 in its enacted form will be found invalidated. It won't actually throw out the entire Prepaid Health Care Act. That is not the way preemption works. That is never the way preemption has worked.

"And so because of those three things I really don't think we need to fear a loss of our ERISA exemption and instead what we need to do is take affirmative action to show we want our Prepaid Health Care Act to stay in place. Thank you."

Representative Takumi rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker. In opposition. And actually I think the Majority Leader raised some very salient points and I'm not going to doubt those points. My colleague from Pearl City also raised some relevant points as well. The reason for my opposition is not because I don't think we ought to take affirmative action. I do believe we must do something. The question is, why do we have to something today? I don't know whether or not we should delay it a year, two years, six months, or a day.

"But I do know that given our legislative process, and we still have a few weeks, it seems to me that we can get a bit more clarity to kind of clear up some of the ambiguities that seem to exist among some of the Members because today is not the final day. We don't have to vote on this today, by the way, and we can get some clarity.

"Say for example, I think some colleagues would feel some assurances if they had a letter from Senator Inouye's office and if Senator Inouye said himself that we really need to take action. I believe, and my office believes in checking with the various federal agencies that are relevant to the issue, that a delay, or no delay, would be prudent. As of today, we do not have that kind of assurance. And again it's not as if it's the last day. If it were the last day, frankly I would vote yes. But since we still have time, I do not see what the rush is to pass out something today.

"My last point, to correct my good friend from Hawaii Kai and to correct historical inaccuracies. If you're going to quote Shakespeare, you know in *Henry IV*, Falstaff said, 'The better part of valor is discretion,' and not the opposite way around. Thank you, Mr. Speaker."

Representative Morikawa rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered." her

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to HB 1134. Let me be clear - I strongly support the Hawaii Prepaid Health Care Act (PHCA). Changes to our State laws should be done carefully in a manner that is thorough and legally incontrovertible. I oppose HB 1134 because I am concerned that, in rushing this legislation through, we may potentially be

jeopardizing the existence of the PHCA and creating legal uncertainty for Hawaii's current healthcare laws.

"To date, the Legislature has not clearly and publicly addressed the potential adverse implications of this legislation. There is no public record explaining the reasons for the immediate repeal of Section V of PHCA when the Patient Protection and Affordable Care Act does not fully become effective until 2014. Additionally, the Legislature has not received a definitive explanation or guidance on this measure from our State's Attorney General. On February 23, 2011, the Attorney General stated his opposition in written testimony because it was not clear whether the repeal of Section V of the PHCA is a non-substantive amendment that is not preempted by ERISA. The Attorney General then switched his position a few weeks later. Unfortunately, at the time the House was asked to pass this measure, the Attorney General had not explained whether H.B. 1134 will or will not impact the PHCA and the preemption issue.

"I believe my colleagues and I may benefit from being prudent and waiting for clearer guidance before proceeding. The people of Hawaii enjoy quality healthcare and I want to be sure that they are able to keep it. The state of our healthcare system is important to all of us. Consequently, our constituents deserve certainty that we are preserving that system, not jeopardizing it."

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? And I apologize for not doing this earlier, but I broker health insurance. Thank you, very much," and the Chair ruled, "no conflict."

Representative Saiki rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition, with written comments. The gist of my comments is the lack of due diligence on the part of the Legislature in passing legislation that could have very sweeping ramifications. I also note that the Attorney General switched his position within a matter of three weeks. First on February 23rd, 2011, he testified in opposition to this measure. Three weeks later he changed his testimony basically by changing one word from saying, that the Attorney General is opposed, to saying that the Attorney General is not opposed to this bill. That testimony was submitted on April 4th, 2011. Thank you, very much."

Representative Saiki's written remarks are as follows:

"I submit these written comments in opposition to H.B. 1134 because there is no need to rush this legislation. By doing so, this Body is jeopardizing the continued existence of the Prepaid Health Care Act (PHCA). There are at least two reasons that the actions of this Body are premature.

"First, this Body has not clearly and publicly addressed the potential implications of this legislation. There is no public record (e.g., committee reports, testimony) that explain the reasons that Section V of the PHCA must be immediately repealed when the Patient Protection and Affordable Care Act (PPACA) does not become fully effective until 2014. It is also unclear whether the PPACA meets the requisite elements of H.R.S. § 393-51, i.e., whether the PPACA constitutes "federal legislation that provides for voluntary prepaid health care for the people of Hawaii in a manner at least as favorable as the health care provided by this chapter". It is not sufficient to point to anecdotal statements from unidentified sources that support this legislation. In the event of litigation, there should be a written record that clearly evinces the basis and justification for this legislation.

"In this respect, the second reason this legislation is premature is because the Attorney General has not provided definitive guidance on this matter. On February 23, 2011, the Attorney General stated his opposition in written testimony because it was not clear whether the repeal of §393-51 is a non-substantive amendment that is not preempted by ERISA. Only amendments that provide for the "effective administration" of the PHCA are preempted.

"However, three weeks later, on April 4, 2011, the Attorney General switched his position. In new testimony, he wrote that he is "not opposed" to this legislation. Curiously, the only difference between the February 23 and April 4 testimonies is the addition of "not" before the word "opposed." (The April 4 testimony also added a non-substantive paragraph at its conclusion.) In short, the Attorney General has not explained whether H.B. 1134 will or will not impact the PHCA and the preemption issue.

"The rushed nature of this legislation has drawn the attention of the media subsequent to the final reading vote. Attached is the transcript of the article that appeared in *Civil Beat* on April 21, 2011. The article highlights some of the additional internal questions surrounding this bill.

"Thank you, very much."

"House Clashes Over Saving Hawaii Health-Care Law

By Chad Blair 04/20/2011

The state House passed a bill Tuesday designed to keep the landmark Hawaii Prepaid Health Care Act intact in light of recent federal legislation.

But 14 House members — six Democrats and all eight Republicans — voted against House Bill 1134, in spite of their commitment to the 1974 act.

The disagreement over the bill centers in part on perceptions of political maneuvering. There is also concern that HB 1134 might actually end up hurting Hawaii's health law, the first in the nation to set minimum standards of health-care benefits for workers.

But a key supporter of the bill defends the process the bill went through and says it is legally sound.

HB 1134 now heads to the desk of Gov. Neil Abercrombie for his consideration.

What HB 1134 Does

When the Hawaii act was enacted some 35 years ago, the Legislature anticipated that a similar health-care law might be enacted at the federal level. In that event, a termination clause was built into the Hawaii act.

In 1993, the Clinton administration pushed federal health-care reform, ultimately unsuccessfully. But, hedging its bets, Hawaii's Legislature enacted Act 99 in 1994, which repeals the Hawaii act's termination clause upon the passage of a federal health-care law.

In 2010, President Obama signed into law the federal Patient Protection and Affordable Care Act. At the behest of Hawaii's congressional delegation, the federal act carves out an exemption so that Hawaii's act can continue.

But the federal legislation has never been popular, and Republicans have been talking about repealing or dramatically amending it ever since. Those efforts gained urgency with the fall of the U.S. House to the GOP, thanks in part to Tea Party voters.

In response, HB 1134, introduced by House Majority Leader Blake Oshiro, calls for eliminating both the original termination clause and the Act 99 termination clause.

HMSA's Involvement

Prior to Tuesday's floor vote, no Democrats had voted against the measure.

But, on Tuesday several argued in caucus prior to the vote and later on the House floor that they now had concerns about the bill that they wanted to work out in conference committee.

What upsets some House members who ultimately voted against HB 1134 is the role of the Hawaii Medical Service Association.

HMSA testified in support of the bill, as did the Department of Labor and Industrial Relations, the Hawaii Association of Health Plans, the American Cancer Society and AARP Hawaii.

In testimony dated March 22, Jennifer Diesman, HMSA's vice president for government relations, wrote, "The provisions of HB 1134 HDI offer a simple, single step to maintain the premium health care that the majority of people in Hawaii already enjoy."

Diesman argued the same point in two other pieces of written testimony.

The problem, say several lawmakers, is that HMSA sent an email to all House members on Monday — the day the House voted to defer voting on the measure for 24 hours — warning against amending HB 1134 to delay implementation of the bill until Dec. 31, 2013 — the day before the federal act must be fully implemented.

"From an operational perspective, it's not possible to wait until 2013 for clarity on which direction the State will pursue — the federal (health-care act or ACA) or Hawaii's own (health-care act, PHCA)," wrote Diesman. "There is a cloud of uncertainty for health plans and employers who purchase health care coverage for their employees. ... Having the sunset provision issue immediately addressed would reduce that uncertainty and make for a more successful implementation of the ACA, while ensuring the continued benefits of the PHCA."

Democrat Rep. Della Au Bellati, who voted against HB 1134, told Civil Beat she doesn't understand how HMSA — "the largest insurer in the state" — got wind that the bill might be amended.

"(Diesman) could not have had access to that information unless she was privy," she said. "She was in effect lobbying us when this all should have been done internally."

Democrat Rep. Mark Takai, who also voted against HB 1134, wrote Diesman back on Tuesday saying that he wanted to preserve the Hawaii act.

"My concern is that this bill may jeopardize Hawaii's PHCA and our ERISA (Employee Retirement Income Security Act) exemption," he wrote. "All I'm requesting is that we take this bill into conference and extend the effective date of the act to a later date, which will allow additional time to ensure that a bill like this will not eliminate PHCA upon the effective date of this act."

Takai added, "Does HMSA actually need more than two years to plan? And is there anything wrong with an effective date of June 30, 2012 or December 31, 2012?"

(Takai's email was cc'd to all House members as well as Democratic Sens. Josh Green, chairman of Senate Health, and Roz Baker, a committee member.)

Asked about her email and the possibility that the bill might have been amended, Diesman chose to reiterate HMSA's support for the legislation.

"We think it is a good bill," she said. "We think preserving the Prepaid Health Care Act is a good thing for the people of Hawaii, and until we know what happens with the federal law, we want to make sure we preserve what's good with our system and ultimately take what's good about the federal system and apply to it to Hawaii's."

Democrat Rep. Ryan Yamane, chairman of House Health, also said he was not surprised that HMSA responded quickly once the vote on HB 1134 was deferred Monday. That's what lobbyists do, he said.

"They are in this building a lot — they have a lot of bills they are following, so for them to get involved, well — that's for them to say," he explained.

The AG's Concerns

The Hawaii Chamber of Commerce, meanwhile, took no position in its testimony on HB 1134 but advised that HB 1134 would not have any legal effect "based on the narrow exception" that ERISA granted to Hawaii's law.

ERISA supersedes state laws related to employee benefits.

"The Chamber believes the people of Hawaii need time to understand the benefits" of the federal health-care act "before determining which model will hold down costs," the chamber said in its testimony.

But, the Attorney General's Office on Feb. 23 submitted testimony in opposition to HB 1134 precisely because ERISA "likely" preempts it — in spite of the "narrow exemption" for Hawaii.

Louie and Deputy Attorney General Gary Ige wrote, "Any substantive amendment to the PHCA would go beyond the allowable exemption of amendments only for the "effective administration" of the PHCA and would, therefore, be subject to preemption."

Rep. Belatti says House leadership informed members in the caucus before the floor vote that there was now a legal opinion in support of the bill having an effective date, and that the opinions were from the law firm of Alston Hunt Floyd and Ing.

"But that legal opinion was never part of the official committee hearing testimony," said Belatti.

One House Democrat who voted against HB 1134 said members were told that the attorney general later reversed his opinion on the bill.

But that second opinion was not among the bill's written testimony as of Wednesday afternoon, a day after the floor vote.

A spokesman for the attorney general sent Civil Beat separate testimony from Deputy AG Ige.

The first, dated March 2, clarifies the AG's position, stating that the office is "not opposed" to the intent of HB 1134 but that it "continues to have legal concerns" how a repeal of the Hawaii act could be preempted by ERISA. Ige also writes, "However, since there is no case on point, should the repeal be challenge on preemption grounds, the outcome cannot be predicted with certainty."

The last paragraph of Ige's testimony states that, even if a court rules that ERISA preempts HB 1134, "such a ruling would not affect the Hawaii Prepaid Health Care Act as it exists today..."

Testimony from Ige dated April 6 to state senators says much the same.

Rep. Yamane said he has no problem with the AG's office at first opposing a bill and then later modifying its position.

"We were advised that this measure was good to go, that it was clean," said Yamane. "It also passed 25-0 in the Senate and has gone through several committees in both chambers. For someone to suggest that the bill was somehow sprung on them, well, that surprises me."

Congressional Involvement

Belatti also said House leadership informed members that Hawaii's congressional delegation "was working on this, but it is unclear who in the delegation was pushing this — we have not had any communication in writing."

But Yamane said that he understands that the delegation is involved with integrating the state and federal legislation, and that the point person for that is Rep. Oshiro.

Civil Beat left a message with the Oshiro's office. Oshiro is an attorney with Alston Hunt, an influential local law firm whose clients include HMSA and other businesses in the health-care industry.

Late Wednesday the House Minority Caucus released a statement critical of the passage of HB 1134.

House Republican Leader Gene Ward said in the release, "This bill, passed by the House yesterday, will jeopardize the superior Hawaii healthcare by repealing a portion of the 1973 law, subjecting Hawaii's program to a potential legal challenge."

"The Attorney General also continues to have doubts about this bill," Rep. Cynthia Thielen said in the statement.

Rep. Barbara Marumoto told Civil Beat that, while the Department of Labor and Industrial Relations supports the bill, it also said passage of HB 1134 could "trigger" ERISA.

"They said that, and the (Department of Commerce and Consumer Affairs) did not say diddly-poop — he just deferred to Department of Labor," she said. "And the AG's testimony the first time said the bill was dangerous. The next time they came in, (Democratic Rep.) Scott Saiki pointed out that their testimony was exactly the same but instead of saying the AG was opposed they just changed one word to say they are not opposed."

Marumoto continued: "So, we are saying we don't want to kill the bill, but that we should all just take a deep breath, assess the situation, talk to some legal beagles. Why take a chance with our Prepaid Health Care Law?"

Honolulu Civil Beat"

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in support. May I have the words of the Representative from Aiea inserted as my own? I do just want to clarify to the Members that this has been an ongoing issue since the passage of the federal Healthcare Reform Act. This has been an ongoing thing for the last 18 months in which we've been working with local and federal counterparts to get some discussion going as to how to trigger the discussion about Hawaii's Prepaid Health Care Act, Mr. Speaker. So this has not been done just for the last three months, but over a year and a half. Thank you."

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 Nishimoto rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ward rose and stated:

"Mr. Speaker. Yes, just a comment and suggestion. Regarding what the Majority Leader said. Those were very salient points, but when you mention the notion of affirmation and intention, Mr. Speaker, this sounds like a reso to me. We don't need a bill if we want to just say what we affirm and what our intent is. A reso, as well as what the Representative who mentioned a letter from our Congressional delegation should do the trick. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1134, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE," passed Final Reading by a vote of 35 ayes to 14 noes, with Representatives Belatti, Ching, Fontaine, Hanohano, Johanson, Marumoto, Nishimoto, Pine, Riviere, Saiki, Takai, Takumi, Thielen and Ward voting no, and with Representatives Carroll and C. Lee being excused.

At 12:37 o'clock p.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 1134, HD 1, SD 2

REPORTS OF STANDING COMMITTEES

Representative Awana, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1740) recommending that H.R. No. 175, 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. 175, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE SEVERITY OF THE CRISIS BEING EXPERIENCED BY THE PEOPLE OF JAPAN WITH THE RECENT EVENTS OF AN EARTHQUAKE AND TSUNAMI AND SUPPORTING THE EFFORTS OF ORGANIZATIONS WITHIN HAWAII TO ASSIST THE PEOPLE OF JAPAN," was adopted, with Representatives Carroll and C. Lee being excused.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll and C. Lee were excused.)

H.B. No. 122, HD 1, (SD 2)

H.B. No. 1069, HD 2, (SD 1)

H.B. No. 122, HD 1, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 122, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and C. Lee being excused.

H.B. No. 1069, HD 2, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1069, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and C. Lee being excused.

At 12:39 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 122, HD 1, SD 2

H.B. No. 1069, HD 2, SD 1

SUSPENSION OF RULES

At this time, the Chair stated:

"At this time Members, please note that the Chair has discharged the House Conferees previously appointed to House Bill No. 389, HD 3, SD 2. It's on page 9. So at this time, the House will now proceed to reconsider its disagreement to the Senate amendments to certain House Bills, including the aforementioned measure."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Carroll and C. Lee were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following

House Bills, seconded by Representative Evans and carried: (Representatives Carroll and C. Lee were excused.)

H.B. No. 389, HD 3, (SD 2)
H.B. No. 1004, HD 1, (SD 1)

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker. Just another announcement that I made yesterday that tomorrow at 10:00, the Budget Summit will be at the Auditorium. It's a chance for all those who've seen what the Minority Caucus has put online at Hawaii State Budget Online. It's a chance to either throw flowers or tomatoes, but to really know how we can balance the budget without raising the GE Tax. Thank you."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.B.

No. Re-referred to:

831, Committee on Economic Revitalization & Business, then to
SD2, the Committee on Finance
HD1

S.C.R.

Nos. Re-referred to:

44, Committee on Housing
SD1

53, Committee on Human Services
SD1

84, Committee on Hawaiian Affairs
SD1

85, Committee on Energy & Environmental Protection, then to the
SD1 Committee on Finance

ADJOURNMENT

At 12:42 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 20, 2011. (Representatives Carroll and C. Lee were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 19, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 199, M. Oshiro, Chr.;
SD 2, HD 1 Chong, Ito, Yamashita, Ward

S.B. No. 831, McKelvey/M. Oshiro, Co-Chrs.;
SD 2, HD 1 Choy, Evans, Ward

House Communication dated April 19, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for

consideration of amendments proposed by the House to the following House Bill and Senate Bill:

H.B. No. 1038, Rhoads/M. Oshiro, Co-Chrs.;
HD 2, SD 2 Yamashita, Fontaine

S.B. No. 1341, Rhoads/M. Oshiro, Co-Chrs.;
SD 2, HD 1 Yamashita, Fontaine

House Communication dated April 19, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

S.B. No. 753, Added Representative Yamashita as a member.
SD 2, HD 2

House Communication dated April 19, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 389, HD 3, SD 2
H.B. No. 1004, HD 1, SD 1

House Communication dated April 19, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 122, HD 1, SD 2
H.B. No. 1069, HD 2, SD 1
H.B. No. 1134, HD 1, SD 2

FIFTY-SECOND DAY

Wednesday, April 20, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:39 o'clock a.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Aquino, Cabanilla, Carroll, Ching, M. Oshiro and Tsuji, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-First Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 646 through 651) were received and announced by the Clerk:

Sen. Com. No. 646, transmitting H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATURE TO SUPPORT THE EDUCATION OF HAWAII'S DRIVERS REGARDING THEIR RESPONSIBILITIES TO BLIND PEDESTRIANS," which was adopted by the Senate on April 19, 2011.

Sen. Com. No. 647, transmitting H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JAPANESE CONSUL GENERAL IN HONOLULU TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," which was adopted by the Senate on April 19, 2011.

Sen. Com. No. 648, dated April 19, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 44, Hee, Chair; Shimabukuro, Co-Chair; Kim
HD 1, SD 1

H.B. No. 49, Espero, Chair; Hee, Co-Chair; Slom
HD 1, SD 1

H.B. No. 56, Chun Oakland, Chair; Hee, Co-Chair;
HD 2, SD 2 Shimabukuro, Slom

H.B. No. 70, Chun Oakland, Chair; Ige, Co-Chair; Fukunaga,
HD 2, SD 1 Slom

H.B. No. 117, Dela Cruz, Chair; Solomon/Gabbard, Co-Chairs;
HD 2, SD 2 Slom

H.B. No. 141, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 160, Chun Oakland, Chair; Ige, Co-Chair; Green, Ihara,
HD 2, SD 2 Slom

H.B. No. 240, Hee, Chair; Shimabukuro, Co-Chair; Slom
SD 1

H.B. No. 243, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 257, Hee, Chair; Shimabukuro, Co-Chair; Kim
HD 2, SD 1

H.B. No. 298, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 299, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 300, Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom
HD 2, SD 2

H.B. No. 306, Fukunaga, Chair; Gabbard/Ige, Co-Chairs; Baker,
HD 1, SD 2 Slom

H.B. No. 326, Chun Oakland, Chair; Ige, Co-Chair; Green, Slom
HD 1, SD 2

H.B. No. 354, Hee, Chair; Shimabukuro/Kidani, Co-Chairs; Slom
HD 1, SD 2

H.B. No. 377, Galuteria, Chair; Dela Cruz/Hee, Co-Chairs; Slom
HD 2, SD 2

H.B. No. 381, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 382, Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom
HD 2, SD 2

H.B. No. 389, Dela Cruz, Chair; Solomon/Ige, Co-Chairs; Slom
HD 3, SD 2

H.B. No. 397, Galuteria, Chair; Kidani/Shimabukuro, Co-Chairs;
HD 2, SD 2 Solomon, Slom

H.B. No. 404, Chun Oakland, Chair; Ige, Co-Chair; Ihara, Slom
HD 1, SD 1

H.B. No. 423, Gabbard, Chair; Ige, Co-Chair; Slom
HD 1, SD 1

H.B. No. 439, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 467, Hee, Chair; Shimabukuro, Co-Chair; Kim
HD 2, SD 1

H.B. No. 519, Hee, Chair; Shimabukuro/Kidani, Co-Chairs; Slom
HD 1, SD 2

H.B. No. 545, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 546, Hee, Chair; Shimabukuro, Co-Chair; Kim
SD 1

H.B. No. 555, Hee, Chair; Shimabukuro, Co-Chair; Slom
HD 1, SD 1

H.B. No. 563, Gabbard, Chair; Ige, Co-Chair; Slom
HD 1, SD 1

H.B. No. 569, Chun Oakland, Chair; Ige/Green, Co-Chairs; Slom
HD 1, SD 2

H.B. No. 593, Hee, Chair; Shimabukuro, Co-Chair; Kim
HD 1, SD 1

H.B. No. 594, Chun Oakland, Chair; Ige, Co-Chair; Slom
HD 2, SD 2

H.B. No. 596, Chun Oakland, Chair; Ige, Co-Chair; Kahele
HD 1, SD 1

H.B. No. 616, Chun Oakland, Chair; Hee, Co-Chair; Slom
HD 2, SD 2

H.B. No. 638, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Kim	H.B. No. 1036, HD 1, SD 2	Espero, Chair; Hee/Kidani, Co-Chairs; Slom
H.B. No. 640, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom	H.B. No. 1038, HD 2, SD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom
H.B. No. 680, SD 2	Dela Cruz, Chair; Solomon, Co-Chair; Galuteria, Ryan	H.B. No. 1039, HD 1, SD 2	English, Chair; Ige/Kim, Co-Chairs; Kouchi
H.B. No. 716, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom	H.B. No. 1041, HD 2, SD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro
H.B. No. 739, HD 2, SD 1	Chun Oakland, Chair; Ihara, Slom	H.B. No. 1052, HD 2, SD 1	Baker, Chair; Taniguchi, Slom
H.B. No. 758, HD 1, SD 2	Chun Oakland, Chair; Ige, Co-Chair; Fukunaga, Slom	H.B. No. 1056, HD 1, SD 2	Tokuda, Chair; Kidani, Co-Chair; Slom
H.B. No. 761, HD 1, SD 2	Chun Oakland, Chair; Hee, Co-Chair; Green, Slom	H.B. No. 1063, HD 1, SD 1	Galuteria, Chair; Kidani/Kahele, Co-Chairs; Slom
H.B. No. 786, HD 2, SD 2	Gabbard, Chair; Ige, Co-Chair; Ihara	H.B. No. 1069, HD 2, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
H.B. No. 801, HD 2, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom	H.B. No. 1070, HD 2, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom
H.B. No. 814, HD 1, SD 1	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom	H.B. No. 1076, HD 1, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom
H.B. No. 838, HD 2, SD 1	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom	H.B. No. 1088, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
H.B. No. 855, HD 1, SD 1	Gabbard, Chair; Ige, Co-Chair; Slom	H.B. No. 1092, HD 1, SD 3	Hee, Chair; Ige, Co-Chair; Shimabukuro
H.B. No. 909, HD 2, SD 2	Chun Oakland, Chair; Hee, Co-Chair; Shimabukuro, Slom	H.B. No. 1107, HD 1, SD 2	Espero, Chair; Hee, Co-Chair; Slom
H.B. No. 916, SD 1	Chun Oakland, Chair; English/Ige, Co-Chairs	H.B. No. 1138, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom
H.B. No. 960, HD 1, SD 2	Dela Cruz, Chair; Solomon/Ige, Co-Chairs; Slom	H.B. No. 1155, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
H.B. No. 968, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom	H.B. No. 1221, HD 1, SD 2	Espero, Chair; Baker/Hee, Co-Chairs; Slom
H.B. No. 983, HD 2, SD 1	Fukunaga, Chair; Ige, Co-Chair; Slom	H.B. No. 1241, HD 2, SD 2	English, Chair; Baker/Hee, Co-Chairs; Slom
H.B. No. 1001, HD 2, SD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom	H.B. No. 1286, HD 2, SD 1	Gabbard, Chair; Ige, Co-Chair; Slom
H.B. No. 1003, HD 2, SD 2	Chun Oakland, Chair; Hee, Co-Chair; Fukunaga, Shimabukuro, Slom	H.B. No. 1330, HD 1, SD 2	Tokuda, Chair; Green/Ige, Co-Chairs
H.B. No. 1004, HD 1, SD 1	Baker, Chair; Hee, Co-Chair; Slom	H.B. No. 1333, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
H.B. No. 1005, HD 2, SD 2	Chun Oakland, Chair; Hee, Co-Chair; Slom	H.B. No. 1368, HD 2, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
H.B. No. 1009, HD 2, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom	H.B. No. 1376, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom
H.B. No. 1012, HD 1, SD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom	H.B. No. 1407, HD 1, SD 2	Chun Oakland, Chair; Hee, Co-Chair; Shimabukuro, Slom
H.B. No. 1019, HD 1, SD 2	Gabbard, Chair; Nishihara/Ige, Co-Chairs	H.B. No. 1513, HD 1, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro, Slom

H.B. No. 1532, HD 2, SD 2	Espero, Chair; Hee, Co-Chair; Slom	S.B. No. 1088, SD 1, HD 1	Hee, Chair; Kidani, Co-Chair; Shimabukuro
H.B. No. 1613, HD 1, SD 1	Hee, Chair; Shimabukuro, Co-Chair; Kim	S.B. No. 1095, SD 1, HD 1	Hee, Chair; Kidani, Co-Chair; Shimabukuro
H.B. No. 1640, HD 2, SD 1	Espero, Chair; Hee, Co-Chair; Slom	S.B. No. 1186, SD 2, HD 1	Kim, Chair; Ige/Kouchi, Co-Chairs; English, Tokuda
Sen. Com. No. 649, dated April 19, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:		S.B. No. 1269, SD 2, HD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom
		S.B. No. 1290, SD 1, HD 2	Galuteria, Chair; Kidani/Kahele, Co-Chairs; Slom
		S.B. No. 1328, SD 1, HD 2	English, Chair; Ige/Kouchi, Co-Chairs; Galuteria, Kahele
S.B. No. 146, SD 1, HD 2	Gabbard, Chair; English/Ige, Co-Chairs	S.B. No. 1329, SD 1, HD 2	English, Chair; Ige/Kouchi, Co-Chairs; Galuteria, Kahele
S.B. No. 239, SD 2, HD 2	Tokuda, Chair; Green/Ige, Co-Chairs	S.B. No. 1341, SD 2, HD 1	Hee, Chair; Ige, Co-Chair; Shimabukuro, Slom
S.B. No. 367, SD 3, HD 2	Gabbard, Chair; Baker/Ige, Co-Chairs; English	S.B. No. 1393, SD 2, HD 2	Dela Cruz, Chair; Ige, Co-Chair; Kouchi, Solomon, Slom
S.B. No. 699, SD 2, HD 2	Gabbard, Chair; Ige, Co-Chair; Ihara	S.B. No. 1482, SD 1, HD 1	Gabbard, Chair; Baker/Ige, Co-Chairs; Ihara
S.B. No. 725, SD 2, HD 1	Gabbard, Chair; Ige, Co-Chair; Ihara	S.B. No. 1489, SD 1, HD 1	Hee, Chair; Shimabukuro/Ige, Co-Chairs; Slom
S.B. No. 752, SD 2, HD 1	Fukunaga, Chair; Espero, Co-Chair; Baker, Dela Cruz, Slom	S.B. No. 1520, SD 2, HD 3	Galuteria, Chair; Hee/Ige, Co-Chairs; Kahele, Solomon
S.B. No. 756, SD 2, HD 1	Fukunaga, Chair; Ige/Gabbard, Co-Chairs; Baker	S.B. No. 1530, SD 1, HD 2	Kim, Chair; Dela Cruz/Ige, Co-Chairs; Solomon, Slom
S.B. No. 946, SD 1, HD 1	Hee, Chair; Ige, Co-Chair; Shimabukuro	Sen. Com. No. 650, dated April 19, 2011, informing the House that the President has made the following changes to Senate Conferee assignments for the following bills:	
S.B. No. 986, SD 2, HD 3	Galuteria, Chair; Kidani/Shimabukuro, Co-Chairs; Slom		
S.B. No. 1040, SD 1, HD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro		
S.B. No. 1055, SD 1, HD 1	Hee, Chair; Kidani, Co-Chair; Shimabukuro	H.B. No. 850, HD 1, SD 2	Senator Kahele added as conferee.
S.B. No. 1061, SD 1, HD 1	Hee, Chair; Kidani, Co-Chair; Shimabukuro	S.B. No. 23, SD 1, HD 2	Senator Kahele added as conferee.
S.B. No. 1062, SD 1, HD 1	Hee, Chair; Shimabukuro/Kidani, Co-Chairs; Kim	Sen. Com. No. 651, dated April 19, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:	
S.B. No. 1068, SD 1, HD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom		
S.B. No. 1069, SD 1, HD 1	Hee, Chair; Shimabukuro, Co-Chair; Slom		
S.B. No. 1073, SD 2, HD 2	Hee, Chair; Shimabukuro/Kidani, Co-Chairs	H.B. No. 169, HD 2, SD 2	Hee, Chair; Kidani, Co-Chair; Shimabukuro
S.B. No. 1078, SD 2, HD 1	Hee, Chair; Ige, Co-Chair; Shimabukuro	H.B. No. 575, HD 1, SD 2	Hee, Chair; Ige, Co-Chair; Shimabukuro, Ihara, Slom
S.B. No. 1079, SD 2, HD 2	Hee, Chair; Nishihara/Ige, Co-Chairs; Shimabukuro, Slom	MISCELLANEOUS COMMUNICATIONS	
S.B. No. 1083, SD 1, HD 1	Hee, Chair; Kidani, Co-Chair; Shimabukuro		
The following miscellaneous communication (Misc. Com. No. 8) was received by the Clerk and was placed on file:			
Misc. Com. No. 8, dated April 13, 2011, from Bonnie Alexander, Chief Clerk of the House of Representatives of the State of Idaho, transmitting House Joint Memorial no. 1 which was adopted by the House of Representatives and the State Senate during the First Regular Session of the Sixty-first Idaho Legislature.			

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Awana welcomed the participants at the Habitat for Humanity's Hammer it Home event at the Capitol, and recognized the members of the Habitat for Humanity's Leeward Affiliate Board:

Ms. Jo Bautista, Mr. Lautoa 'Jr.' Atisanoe, Mr. Rodney Villanueva, Mr. Kealoha Ariellano; and Executive Director, Ms. Trinda Sanchez.

Representative Cabanilla introduced Ms. Cathy Hasegawa of Habitat for Humanity's Honolulu Affiliate Board.

Representative Ito, on behalf of Representatives Wooley, Chong and himself, introduced Mr. Rocky and Mrs. Jerry Kaluhiwa of the Koolaupoko Hawaiian Civic Club.

Representative Ward welcomed Mr. Jonathan Williams, Director of the Tax and Fiscal Policy Task Force of the American Legislative Exchange Council. He was accompanied by Mr. Andy Mertz and Mr. Dick Rowland of the Grassroots Institute in Hawaii.

Representative Jordan introduced the students of Waianae High School, Don Potgis, Tristan Kim, Leland Arcangel, Betty Mafi, Kira Goto, Whitney Nansen, Maia Stovall, Scott Brooks, Shelly Sisneros, Bev Willis and Robert Ford; and their teachers, Ms. Nicole Sarrazin and Ms. Christina Henning;

Representative Thielen introduced the students of the Hawaiian Mission Academy in Kailua and their Principal, Mr. Lane.

Representative Thielen rose, stating:

"Thank you, very much. I will defer to Chair Ito and I probably will want to second his comments. So if I may defer to him please, and then if I may speak after."

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of HB389, HD3, SD2.

"Mr. Speaker, this measure will establish the "He'eia Community Development District", comprising of approximately four hundred five acres. Presently, this area is under the jurisdiction of the Hawaii Community Development Authority (HCDA). The Authority will serve as the local development authority of the district to facilitate culturally appropriate agriculture, education, and natural-resource restoration and management of the He'eia wetlands, in alignment with the Honolulu Board of Water Supply's most current "Koolaupoko Watershed Management Plan" and the City and County of Honolulu's most current "Koolaupoko Sustainable Communities Plan". In the past, water from Ha'ikū and 'Ioleka'a Valleys flowed into the 'ili known as Hoi, presently known as the "He'eia Wetlands", where wetland kalo was traditionally grown. Since the mid-1800s this area has been subjected to various land uses, creating intense erosion, flooding, and runoff during heavy rains, which have degraded the health and productivity of He'eia fishpond and Kāne'ohe bay. Today, the mangrove and hau trees that were planted upstream to control erosion are choking the stream and have reduced wetland habitat for native species.

"Mr. Speaker, the communities in and around the ahupua'a of He'eia have long advocated for retention of the He'eia wetlands for open space, conservation, and eventually a return to the productive agricultural use that once thrived there. Over the past half-century, there have been various attempts by landowners and others to develop these lands for purposes other than farming and conservation, and they have all been met with strong community opposition from the people of He'eia, Kāne'ohe, and Kahalu'u. Among the strongest advocates for preservation of these lands were Rocky and Jerry Kaluhiwa, from among the kupa'aina (grassroots) families, whose roots go back many generations of farming and fishing in the area. One day, Jonathan Kanekoa "Koa" Kukea-Shultz of the Nature Conservancy presented his proposal to Jerry and Rocky to develop a project that could restore the agricultural activity, incorporate cultural and educational programs, provide economic opportunities, and revitalize the communities that would re-connect with the area. It was an opportunity to bring back to productivity the rich lands that once were filled with kalo fields in ancient times. Meeting with Jerry and Rocky Kaluhiwa, Mahealani Cypher, Alice Hewett and others, a kupuna council was formed to help guide development of the plan for the wetlands, an 'ili known in ancient times as Hoi. Also brought into the kupuna council were Clifford Naea Kanae and other kupa'aina families closely connected to these lands. All of these participants represented active native Hawaiian community organizations, the Ko'olaupoko Hawaiian Civic Club and the Ko'olau Foundation.

"Mr. Speaker, eventually, talks began with Mr. Tony Ching and the Hawai'i Community Development Authority. Mr. Ching readily saw the potential value of allowing a culturally-sensitive agricultural restoration of the land, and awarded a temporary consent of entry to the Ko'olaupoko Hawaiian Civic Club to allow a demonstration taro field to be established. This was done on the mauka portion of the property, just makai of Kahekili Highway. Acknowledging that a federally recognized non-profit was needed to pursue development of the plan, Kako'o 'Oiwī was tapped to assist with this kuleana. During the first planting period, the newly reorganized board of Kako'o 'Oiwī elected Jerry Kaluhiwa as its President, Mahealani Cypher as its Vice-President, and Alice Hewett as its Treasurer. Serving as Directors are Rocky Kaluhiwa, Christina Lucas, Jonathan Osorio, and David Henkin. Jonathan Kukea-Shultz was to serve as the executive director of the project they were developing for the wetlands, to

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1741), recommending that S.C.R. No. 134, SD 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 S.C.R. No. 134, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE CREATION OF A LOCALLY-FOCUSED, HAWAII-BASED STOCK EXCHANGE," was referred to the Committee on Finance, with Representatives Carroll, Ching and Tsuji being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Carroll, Ching and Tsuji were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, Ching and Tsuji were excused.)

H.B. No. 389, HD 3, (SD 2)
H.B. No. 1004, HD 1, (SD 1)

H.B. No. 389, HD 3, SD 2:

Representative B. Oshiro moved that H.B. No. 389, HD 3, SD 2, pass Final Reading, seconded by Representative Evans.

be known as "Mahuahua Ai O Hoi" (the land of hoi flourishes and provides food).

"Over the past several years, the group has worked tirelessly to develop a comprehensive short- and long-term plan for re-establishment of the kalo fields at He'eia wetlands. In 2010 the HCDA awarded a 38-year lease to Kako'o `Oiwī to allow development of an agricultural farm at Hoi. The group has received grants and worked collaboratively with government and private entities to develop formal plans and undertake research and other activities necessary to move forward on a large-scale clearing and planting of taro and other food products in the area. Kako'o `Oiwī has pursued and received numerous grants, and continues to seek additional financial support to satisfy all permitting requirements and implement a master plan, now approaching the final stages of preparation.

"The major partners in the project today are Kako'o `Oiwī, the Hawai'i Community Development Authority, the Ko'olaupoko Hawaiian Civic Club, Ko'olau Foundation, and the Nature Conservancy.

"Mr. Speaker, for these reasons I ask my colleagues to please support HB389, HD3, SD2."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you. Thank you, Chair Ito. Mr. Speaker, I'm rising in support of this measure. The measure establishes the Heeiea Community Development District, and it will establish policies to guide the development of this community development district.

"By doing this it will allow the community development district to be locally managed, and to be able to have appropriate agricultural, education, and natural resource restoration and management of the Heeiea Wetlands. It's a good way to treat this land. And it's a good way to bring the community members into the area and into the management of this area. So I encourage all Members to vote for this measure. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support and permission to insert written comments into the Journal. Thank you."

Representative Chong's written remarks are as follows:

"Mr. Speaker, I stand in strong support. This bill will allow the community to move forward on this important project for the Windward side. Mahalo."

Representative Wooley rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support, and I'd like to adopt the words and written comments of the Representative from Kaneohe."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you. In strong support."

Representative Har rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I would just like the words of all the previous speakers, written and verbal, entered in the Journal as if they were my own. And although I'm a Maui 'bruddah,' I think what's great about this bill here is it offers a model for other islands in helping to preserve and protect our cultural wetlands and to reinvigorate. Thank you, very much."

The motion was put to vote by the Chair and carried, and H.B. No. 389, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND

USE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Ching and Tsuji being excused.

H.B. No. 1004, HD 1, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1004, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Ching and Tsuji being excused.

At 11:52 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 389, HD 3, SD 2

H.B. No. 1004, HD 1, SD 1

ANNOUNCEMENTS

Representative M. Lee: "Mr. Speaker, I do have an announcement. On behalf of the Women's Caucus I'd just like to thank all the Members for their donations to our Easter Basket project. I would especially like to thank the Easter Bunny who hopped over to help and jumped up on the truck to load the truck. It was very, very thoughtful. So thank you all. And for those who are listening in, thank you as well. Thank you."

Representative Tokioka, for the Committee on Legislative Management requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.C.R. No. 127, SD 1, on Wednesday, April 20, today, at 2:00 p.m. in Conference Room 423, and the Chair "so ordered."

Representative C. Lee: "Thank you. I'd just like to thank the Women's Caucus for the opportunity to present the Easter Baskets yesterday. Often their work goes unreported and unnoticed, and they deserve far more recognition than they tend to get. And thank you to the Representative from Mililani."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.C.R. Nos.

Re-referred to:

2,
SD1

Committee on Finance

111,
SD1

Committee on Economic Revitalization & Business

124,
SD2

Committee on Finance

127,
SD1

Committee on Legislative Management

ADJOURNMENT

At 11:54 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, April 21, 2011. (Representatives Carroll, Ching and Tsuji were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 20, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House

has made the following changes to the conferees on the following measures:

H.B. No. 1308, Added Representative Yamashita and Ward as
HD 2, SD 2 members.

S.B. No. 318, Added Representative Yamashita and Ward as
SD 2, HD 2 members.

House Communication dated April 20, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 49, Discharged all conferees.
HD 1, SD 1

House Communication dated April 20, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. No. 1065, Representative Fontaine replaced Representative
SD 1, HD 1 Ward as conferee.

House Communication dated April 20, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 1038, Discharged all conferees
HD 2, SD 2

House Communication dated April 20, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. No. 397, Discharged all conferees
HD 2, SD 2

H.B. No. 915, Discharged all conferees
HD 2, SD 2

House Communication dated April 20, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 389, HD 3, SD 2
H.B. No. 1004, HD 1, SD 1

FIFTY-THIRD DAY

Thursday, April 21, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:39 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Awana, Jordan, M. Oshiro and Pine, who were excused.

On motion by Representative Evans, seconded by Representative Thielen and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Sixth Day was approved. (Representatives Jordan, M. Oshiro and Pine were excused.)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 652 through 655) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 652, dated April 20, 2011, informing the House that the Senate has on April 19, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 921, SD 2, HD 3
S.B. No. 1076, SD 1, HD 3
S.B. No. 1241, SD 1, HD 1
S.B. No. 1281, SD 1, HD 1
S.B. No. 1291, SD 2, HD 2
S.B. No. 1386, SD 1, HD 1
S.B. No. 1417, SD 1, HD 1
S.B. No. 1491, SD 1, HD 1
S.B. No. 1559, SD 2, HD 2

Sen. Com. No. 653, dated April 20, 2011, informing the House that the President has made the following changes to Senate Conferee assignments for the following Bills:

S.B. No. 570, Senator Hee added as Co-Chair.
SD 2, HD 1

S.B. No. 756, Senator Kim added as conferee.
SD 2, HD 1

S.B. No. 1278, Senator Solomon added as conferee.
SD 1, HD 2

S.B. No. 1483, Senator Galuteria added as conferee.
SD 1, HD 1

Sen. Com. No. 654, dated April 20, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 34 Hee, Chair; Ige, Co-Chair; Ihara, Shimabukuro,
SD 1, HD 1 Slom

Sen. Com. No. 655, dated April 20, 2011, informing the House that the Senate has on April 19, 2011, reconsidered its action taken on April 12, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 1342, SD 1, HD 1

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Manahan introduced friends celebrating Aloha Aina Earth Day, Dr. Ruth Mabanglo, Ms. Liz Kiai, Ms. Cat Sawai and Ms. Nobuko Todd.

Representative Riviere introduced his friends from Los Angeles, Mr. Manny and Mrs. Irma Acosta; and their children, Ms. Brooke Acosta and Mr. Carson Acosta.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1742) recommending that S.C.R. No. 44, SD 1, as amended in HD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 44, SD 1, HD 1, be adopted, seconded by Representative Evans.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I am in strong support of this resolution. Since we passed Act 212 into law last year, the State is now in receipt of \$7 million in federal funds. I would like to thank this Body for passing the bill, which was a hard sell at the time. Housing First programs have been shown nationwide to dramatically reduce governmental spending on homelessness. By first providing housing for the chronically homeless, many exorbitant costs, such as emergency room visit, unnecessary jail stays, child protective service visits and on-going shelter costs can be avoided.

"Mr. Speaker, Housing First will save the State money by first handling the most basic need, which will ameliorate unnecessary additional costs. Also, it will get the chronically homeless off of Downtown sidewalks, which will improve the health, safety and the appearance of our city.

"Mr. Speaker, colleagues, please support this resolution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 44, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING FURTHER IMPLEMENTATION OF HOUSING FIRST PROGRAMS AND SERVICES TO COMBAT CHRONIC HOMELESSNESS," was adopted, with Representatives Jordan, and M. Oshiro being excused.

REPORTS OF CONFERENCE COMMITTEES

Representatives Souki, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 98, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 98, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 98, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

At this time, the Chair stated:

"Members, the Chair at this time has discharged House Conferees previously appointed to House Bill No. 49, House Draft 1, Senate Draft 1; House Bill No. 397, House Draft 2, Senate Draft 2; and House Bill No. 915, House Draft 2, Senate Draft 2. So the Chair has discharged the House Conferees on the respective House Bills that I've just stated for you."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Jordan and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Jordan and M. Oshiro were excused.)

H.B. No. 49, HD 1, (SD 1)
H.B. No. 320, HD 2, (SD 1)
H.B. No. 397, HD 2, (SD 2)
H.B. No. 915, HD 2, (SD 2)
H.B. No. 1093, HD 1, (SD 2)

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Ito introduced the 4th grade students of the Koolau Baptist Academy. They were accompanied by their teacher, Mrs. Cynthia Williams; and chaperones, Mr. Jason Lee and Mr. Paul Swider.

Students – Chaz Ciacci; Chloe Dijos; Jenny Ellis; Ethan Finau; Kamu Kalahiki; Joshua Kresnak; Cody Lee; Dani Sur; Jean-Paul Swider; Brenna Walch; and Megan Welles.

ANNOUNCEMENTS

Representative Ward: "Thank you, Mr. Speaker. Also in celebration of Earth Day as the Vice Speaker indicated, I'm pleased to announce to the Members and to the young people in the gallery. There's going to be a Ka Iwi cleanup this Saturday, April 23 at 9:30 at the Alan Davis Wall which is just near the stoplight at Kalama Valley. So we're trying to keep it clean, keep that pristine East Coast the way it was intended. Thank you, Mr. Speaker."

Representative M. Lee, for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following measures on Thursday, April 21, today, at 1:30 p.m. in Conference Room 308, and the Chair "so ordered."

S.C.R. No. 2, SD 1, authorizing the issuance of a non-exclusive easement covering a portion of State submerged lands;
S.C.R. No. 28, SD 2, requesting the establishment of a prompt payment task force;
S.C.R. No. 124, SD 2, urging of convening of task forces to develop community benefits packages for neighborhoods;
S.C.R. No. 159, SD 2, urging the Department of Hawaiian Homelands to release pastoral and agricultural leases; and
S.C.R. No. 134, SD 1, requesting the convening of a working group to investigate the creation of a locally focused Hawaii based stock exchange.

At 11:51 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:53 o'clock a.m.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

**S.B.
Nos.****Re-referred to:**

233, Committee on Health, then to the Committee on Finance
SD2, HD1

1270, Committee on Finance
SD2, HD1

**S.C.R.
No.****Re-referred to:**

159, Committee on Finance
SD2

ADJOURNMENT

At 11:53 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, April 25, 2011. (Representatives Jordan and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 21, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 306, M. Oshiro, Chr.;
HD 1, SD 2 Chong, Choy, M. Lee, Marumoto

H.B. No. 793, M. Oshiro, Chr.;
SD 1 Chong, Choy, M. Lee, Marumoto

H.B. No. 1039, Souki/M. Oshiro, Co-Chrs.;
HD 1, SD 2 Chong, Choy, Ichiyama, M. Lee, Johanson

H.B. No. 1092, M. Oshiro, Chr.;
HD 1, SD 3 Chong, Choy, M. Lee

House Communication dated April 21, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 120, M. Oshiro, Chr.;
SD 1, HD 1 Chong, Choy, M. Lee, Ward

S.B. No. 233, Yamane/M. Oshiro, Co-Chrs.;
SD 2, HD 1 M. Lee, Ward

S.B. No. 570, M. Oshiro, Chr.;
SD 2, HD 1 Chong, Choy, M. Lee

S.B. No. 741, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Riviere
S.B. No. 754, SD 1, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Riviere
S.B. No. 756, SD 2, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto
S.B. No. 1186, SD 2, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Riviere
S.B. No. 1270, SD 2, HD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto

House Communication dated April 21, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 1355, SD 1, HD 2	McKelvey/M. Oshiro, Co-Chrs.; Chong, Choy
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House Communication dated April 21, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. No. 1086, SD 1, HD 2	Added Representative Mizuno as a member.
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House Communication dated April 21, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 49, HD 1, SD 1
H.B. No. 320, HD 2, SD 1
H.B. No. 397, HD 2, SD 2
H.B. No. 915, HD 2, SD 2
H.B. No. 1093, HD 1, SD 2

FIFTY-FOURTH DAY

Monday, April 25, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:36 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll and M. Oshiro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Third Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 656 through 663) were received and announced by the Clerk:

Sen. Com. No. 656, transmitting H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING," which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 657, transmitting H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 658, transmitting H.C.R. No. 286, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS," which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 659, transmitting H.C.R. No. 309, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST OF EVERY YEAR AS "HAWAII STATE ASSISTANCE DOGS WEEK", which was adopted by the Senate on April 21, 2011.

Sen. Com. No. 660, dated April 21, 2011, informing the House that the Senate has on April 20, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and have moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 590, SD 1, HD 2
S.B. No. 782, SD 2, HD 1
S.B. No. 823, SD 1, HD 1
S.B. No. 883, SD 2, HD 1
S.B. No. 892, SD 2, HD 2
S.B. No. 1288, SD 1, HD 1
S.B. No. 1292, HD 1
S.B. No. 1325, SD 1, HD 1

Sen. Com. No. 661, dated April 21, 2011, informing the House that the President has made the following changes to Senate Conferee assignments for the following bill:

S.B. No. 754, Senator Kim added as conferee.
SD 1, HD 1

Sen. Com. No. 662, dated April 21, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 1085, Hee, Chair; Kidani, Co-Chair; Shimabukuro
HD 2, SD 2

Sen. Com. No. 663, dated April 21, 2011, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 1154, Solomon, Chair; Galuteria/Kahele/Ige/Kim, Co-Chairs
SD 2, HD 1

S.B. No. 1363, Gabbard, Chair; Fukunaga/Ige/Baker, Co-Chairs;
SD 2, HD 2 English, Kouchi

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Kawakami introduced his friend, Aunty Janice Bond of Kauai.

At 11:41 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:58 o'clock a.m. with Vice Speaker Manahan presiding.

ORDER OF THE 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 and House Bills for Final Reading by consent calendar. (Representatives Cabanilla, Carroll, Ching, Chong and M. Oshiro were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 and S.B. No. 98, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 98, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition, with strong reservations in my opposition. This bill is for the doubters. This bill is for those who hear when people say, 'You know Hawaii's really anti-business.' And they say, 'You know, that's just somebody making noise. It can't be true.' This is a bill for those people who doubt that we are not open for business. That we're not open for competition. We're not open for believing that when as a member of the Broadband Task Force, Google was going to lay a cable between the mainland and Asia and they bypassed us because they said that we're anti-business, too regulated.

"And here we have for sea carriers, for ocean-going vessels, a very difficult proposition. And in the words, Mr. Speaker, of our former colleague from Kauai, who's now Chair of the PUC Commission, saying as follows: This bill would make it extremely difficult, if not impossible, repeat, if not impossible. Those are my words. Repeat, if not impossible, for companies to gain entry into the water carrier business in Hawaii.

"Mr. Speaker, we love Matson. We love Pasha. We love all these people, but do we want to lock them in forever and ever? Isn't there a way of not making it almost not impossible? Mr. Speaker, we need investment to create jobs. Investment is based upon perceptions of economic climates.

If our economic climate is diminished by this, we are cutting our nose to spite our face. We have to become more business friendly. We have to be open for business.

"For those who doubt what the impact of this will be, it's just piling on top of what otherwise is a, 'we are not open for business' image and this is not good policy for the State of Hawaii. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I just want to comment on the previous speaker's comments. I believe that we are an island state and water carriers serve such a purpose. It's like having our highway in the water, and we've got to move the goods around.

"And I believe the intent of this legislation is a really good intent which is to make sure that when someone does come into the State and they want to compete, that they actually compete for the whole State in terms of how we move in the water. That in fact they just don't come in and pick one route and that route might be the only high-profit route that we have in the State.

"So I think that it tries to make sure, since our regulations weren't really clear at this time. It was open for a lot of interpretation. This brings an awful lot of clarity and if anybody wants a stake in the business, the rules and regulations will be there, and they can come in and they can still compete. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure, stating:

"Thank you, very much. I wish to speak in favor of this measure. Yes, Members, in speaking of competition, I believe that the PUC erred in coming up with the decision to allow Pasha to have an ability to go with the intrastate route which the PUC had previously given to Young Brothers with some caveats. The caveats were that they needed to serve all of the islands. The smaller islands, as well as the major islands.

"Now when the PUC allowed Pasha to come in, and they allowed Pasha because of its size. But they allowed them to cherry pick and to only go to the major islands, and at the same time they did not release Young Brothers of the agreement that they had that they serve all of the islands.

"Now if we're talking about pure competition, then you would apply both with the same terms. But to continue to have Young Brothers serving all the islands, and to have Pasha serving only the major islands, that is not competition. That is in fact favoritism, and this bill is trying to provide fairness so that whatever decision is made, it is made in a fair manner. There should be transparency, more public hearings, and I would think this bill is all about competition, and not non-competition. Thank you, very much."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"I will vote for this bill with reservations. I do feel it does restrict and hamper competition. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, just a brief retort to my learned colleagues from the Neighbor Islands. I think their points are well taken, however as our learned Majority Leader says, if you read the bill and read what the PUC said about the ruling of Pasha and the Neighbor Islands, it said if there is damage, they're going to pull back that Pasha permit. So the existing PUC regulations have taken care of that unequal playing field. That's number one.

"Number two. This bill says, 'the Commission shall not issue a certificate if the evidence indicates that the existing water carrier's ability to realize its allowed rate of return will be diminished.' Which is saying, if you're a monopoly and you're going to lose any money in what you're used to making at a fixed rate, nobody can come in. I mean, what a deal. If anybody comes and diminishes your profit, they're out of here.

"Mr. Speaker, there's a better way of writing these regulations. There's better ways of opening the State for commerce. We've got to help our farmers on the Neighbor Islands. We've got to do a better job of getting between us without a SuperFerry because this is kind of a reaction to what the SuperFerry did. There's a better way of doing business. Hawaii needs that diversification of transportation and I don't think this is the bill that gets us there. Thank you."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Ward be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching 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 S.B. No. 98, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Belatti and Ward voting no, and with Representatives Cabanilla, Carroll and M. Oshiro being excused.

At 12:06 o'clock p.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 98, SD 2, HD 1, CD 1

REPORTS OF STANDING COMMITTEES

Representative Coffman, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1743), recommending that S.C.R. No. 85, SD 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 S.C.R. No. 85, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT RELATING TO GEOTHERMAL RESOURCES," was referred to the Committee on Finance, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1744) recommending that S.C.R. No. 53, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 53, SD 1, be adopted, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm they are representing some of the plaintiffs in the lawsuit against the State for the Compact and the services provided thereby, but I'm not working on the case. Thank you," and the Chair ruled, "no conflict."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. May I make one brief comment? Mr. Speaker, I was a United Nations advisor in Micronesia. I know the enterprising nature of the Micronesian people and the debt of gratitude that we owe them for having used their good land for bombing practice, atomic weapons, and nuclear explosions.

"The Compact of Free Association has given us an obligation to have open borders for them, but within the last few years I think we've gone overboard in what is allowable so we have to pass this. We have to have the federal government who promised Guam, California, and Hawaii they would reimburse us. But the problem is they capped it, and now hopefully

this will take that cap off and make it fair and equitable. But it's a great people who need help. It's a great emerging nation, but it's one whose health system needs a lot to be desired. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 53, SD 1, entitled: "SENATE 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 adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1745) recommending that S.C.R. No. 127, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 127, SD 1, be adopted, seconded by Representative Evans.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict? At my law firm they do represent some health insurers that may potentially be impacted by this, specifically Kaiser, but I don't work on any of those cases. 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 S.C.R. No. 127, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A LEGISLATIVE WORKING GROUP TO EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE POLICIES AND PROCEDURES OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND PREPARATION OF AND AMENDMENTS TO THE STATE HEALTH SERVICES AND FACILITIES PLAN," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1746) recommending that S.C.R. No. 28, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 28, SD 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A PROMPT PAYMENT TASK FORCE TO EXAMINE AND RESOLVE ISSUES THAT PREVENT STATE AGENCIES FROM MAKING PROMPT PAYMENT FOR GOODS AND SERVICES PURCHASED THROUGH NONPROFIT ORGANIZATIONS, PARTICULARLY HUMAN SERVICE NONPROFIT ORGANIZATIONS, THAT DELIVER PIVOTAL GOODS AND SERVICES TO INDIVIDUALS, FAMILIES, AND COMMUNITIES," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1747) recommending that S.C.R. No. 134, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 134, SD 1, be adopted, seconded by Representative Evans.

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you. Just in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 134, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE CREATION OF A LOCALLY-FOCUSED, HAWAII-BASED STOCK EXCHANGE," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1748) recommending that S.C.R. No. 159, SD 2, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 159, SD 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO RELEASE PASTORAL AND AGRICULTURAL LEASES TO ITS BENEFICIARIES AND REPORT STATISTICAL DATA RELATED TO IMPLEMENTATION OF ARTICLE XII, SECTION 1 OF THE HAWAII STATE CONSTITUTION," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1749) recommending that S.C.R. No. 124, SD 2, 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 S.C.R. No. 124, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONVENING OF TASK FORCES TO DEVELOP COMMUNITY BENEFITS PACKAGES FOR THE NEIGHBORHOODS LOCATED NEAREST TO LANDFILLS," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1750) recommending that S.C.R. No. 2, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS PURSUANT TO SECTION 171-53, HAWAII REVISED STATUTES, RELATING TO RECLAMATION AND DISPOSITION OF SUBMERGED OR RECLAIMED PUBLIC LAND," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 49, HD 1, (SD 1)
H.B. No. 320, HD 2, (SD 1)
H.B. No. 397, HD 2, (SD 2)
H.B. No. 915, HD 2, (SD 2)
H.B. No. 1093, HD 1, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 49, HD 1, SD 1:

Representative B. Oshiro moved that H.B. No. 49, HD 1, SD 1, pass Final 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 rise in strong support of this measure. The intent of this measure is to simply recognize in State statute the approach that Service members under Title 10 USC Section 1482 are required by federal law to follow in designating a Person Authorized to Direct Disposition (of human remains), or PADD.

"This bill will ensure that the DD Form 93 is consulted and viewed as the legally sufficient document for designating a PADD.

"The DD Form 93 is an essential part of their military record, also designating their beneficiaries for Service Members' Group Life Insurance. Service members are required to update it annually and before any deployment.

"Forty-eight percent of Service members are less than 25 years old. Since they are required to designate a PADD on the DD Form 93, it is highly unlikely they will research to see whether they also need to follow a different state requirement for designating an agent in the event of their untimely death.

"The proposed amendment to State law on disposition removes confusion for the family. If the unthinkable should ever happen, the last thing grieving family members want to do is fight through paperwork to have the body of their loved ones returned.

"This bill streamlines the process in what should be naturally uncomplicated. Thank you to all the Committee members and Conferees who work diligently on this measure. What may seem insignificant on our part means everything to military families. Thank you again."

Representative Wooley rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"I am in strong support of this bill. Members of the United States Armed Forces are required by federal law to designate a person to arrange for the disposition of their remains. This measure will ensure that the DD Form 93 -- which must be updated annually and before any deployment -- is deemed a legally sufficient document for designating an agent to arrange for the final disposition of a service member's remains in the event of that service member's death while serving in the Armed Forces. I strongly support the effort this bill and other efforts to streamline standard operating procedures for the men and women of our Armed Forces.

"This bill is part of the State Legislature's Military Appreciation Package. This package strives every Session to care for our service members and their families. In particular, I would like to recognize the Representative from Newtown for his diligence and leadership in spearheading this bill and the State Legislature's Military Appreciation Package. It is the efforts of individuals like him that really give a voice to the men and women that selflessly give of themselves in the defense of our State and country. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 49, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 320, HD 2, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 320, HD 2, on the following showing of Ayes and Noes:

Ayes, 4 (Herkes, Keith-Agaran, Cabanilla and Marumoto). Noes, none. Excused, 1 (Souki).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 320, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 397, HD 2, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 397, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 915, HD 2, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 915, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 1093, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1093, HD 1, on the following showing of Ayes and Noes:

Ayes, 4 (Souki, Rhoads, Cabanilla and Johanson). Noes, none. Excused, 3 (Ito, Luke and Tsuji).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1093, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

At 12:12 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 49, HD 1, SD 1
H.B. No. 320, HD 2, SD 1
H.B. No. 397, HD 2, SD 2
H.B. No. 915, HD 2, SD 2
H.B. No. 1093, HD 1, SD 2

SUSPENSION OF RULES

At this time, the Chair announced:

"Members, please note that the Chair has discharged House Conferees previously appointed to H.B. No. 519, HD 1, SD 2. The House will now proceed to reconsider its disagreement to the Senate amendments of certain House Bills, including the aforementioned measure."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made

by the Senate to certain House Bills. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 299, HD 1, (SD 1)
H.B. No. 519, HD 1, (SD 2)

ANNOUNCEMENTS

Representative Ichiyama: "Thank you, Mr. Speaker. I just wanted to quickly announce that today we have a birthday. The good Representative from Wailuku is celebrating his birthday, our own Speaker Emeritus. If we could just help him celebrate his birthday."

Vice Speaker Manahan: "Members, please note that our regular session will convene at 11:30 a.m. tomorrow, and then recess for our Joint Session with the Senate at noon in this Chamber. Please be prompt to our regular session so we may conduct as much business as possible before recessing. Thank you, very much."

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
575, HD1, SD2	Committee on Labor & Public Employment, then to the Committee on Finance

848, HD2, SD1	Committee on Finance
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<u>H.R. No.</u>	<u>Re-referred to:</u>
170	Committee on Higher Education

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
1107, SD1, HD2	Committee on Finance

ADJOURNMENT

At 12:15 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 26, 2011. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable

President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 575, HD 1, SD 2	Rhoads/M. Oshiro, Co-Chrs.; Cullen, Hashem, Jordan, Ichiyama, Kawakami, Morikawa, Marumoto, Ward
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H.B. No. 848, HD 2, SD 1	M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto
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House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 1107, SD 1, HD 2	M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto
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House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 70, HD 2, SD 1	Discharged Representative Cabanilla Added Representative Kawakami as Co-Chair.
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H.B. No. 519, HD 1, SD 2	Discharged all conferees.
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H.B. No. 960, HD 1, SD 2	Discharged Representative Cabanilla Added Representative Jordan as Co-Chair.
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S.B. No. 181, SD 1, HD 1	Representative Chong replaced Representative Cabanilla as Co-Chair.
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S.B. No. 900, SD 2, HD 2	Discharged Representative Cabanilla Added Representative Kawakami as Co-Chair.
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S.B. No. 903, SD 1, HD 1	Discharged Representative Cabanilla Added Representative Jordan as Co-Chair.
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S.B. No. 912, SD 2, HD 1	Discharged Representative Cabanilla Added Representative Kawakami as Co-Chair.
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S.B. No. 1394, SD 1, HD 1	Discharged Representative Cabanilla Added Representative Har as Co-Chair.
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House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 299, HD 1, SD 1
H.B. No. 519, HD 1, SD 2

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 49, HD 1, SD 1
H.B. No. 320, HD 2, SD 1
H.B. No. 397, HD 2, SD 2
H.B. No. 915, HD 2, SD 2
H.B. No. 1093, HD 1, SD 2

House Communication dated April 25, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

S.B. No. 98, SD 2, HD 1, CD 1

FIFTY-FIFTH DAY

Tuesday, April 26, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:36 o'clock a.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll and Herkes, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fourth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1109 through 1116) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1109, informing the House that on April 25, 2011, the following bill was signed into law:

S.B. No. 704, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY." (ACT 009)

Gov. Msg. No. 1110, informing the House that on April 25, 2011, the following bill was signed into law:

S.B. No. 1346, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS." (ACT 010)

Gov. Msg. No. 1111, informing the House that on April 25, 2011, the following bill was signed into law:

S.B. No. 124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 011)

Gov. Msg. No. 1112, informing the House that on April 25, 2011, the following bill was signed into law:

S.B. No. 27, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE." (ACT 012)

Gov. Msg. No. 1113, informing the House that on April 25, 2011, the following bill was signed into law:

S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT." (ACT 013)

Gov. Msg. No. 1114, informing the House that on April 25, 2011, the following bill was signed into law:

H.B. No. 1622, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION." (ACT 014)

Gov. Msg. No. 1115, informing the House that on April 25, 2011, the following bill was signed into law:

S.B. No. 1273, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 015)

Gov. Msg. No. 1116, informing the House that on April 25, 2011, the following bill was signed into law:

H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY." (ACT 016)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 664 through 669) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 664, transmitting H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK," which was adopted by the Senate on April 25, 2011.

Sen. Com. No. 665, transmitting H.C.R. No. 100, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LOCATE LAND SUITABLE TO CONSTRUCT A MOTORSPORTS CENTER ON THE ISLAND OF OAHU," which was adopted by the Senate on April 25, 2011.

Sen. Com. No. 666, transmitting H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT," which was adopted by the Senate on April 25, 2011.

Sen. Com. No. 667, transmitting H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH MOANALUA GARDENS FOUNDATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF KAMANANUI (MOANALUA) VALLEY FOR EDUCATIONAL AND CULTURAL PURPOSES," which was adopted by the Senate on April 25, 2011.

Sen. Com. No. 668, dated April 25, 2011, informing the House that the Senate has on April 21, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1293, HD 2

Sen. Com. No. 669, dated April 25, 2011, informing the House that the following bill has this day passed Final Reading:

S.B. No. 98, SD 2, HD 1, CD 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 86) was received by the Clerk and was placed on file:

Dept. Com. No. 86, received on April 25, 2011, from the University of Hawaii at Manoa College of Social Sciences Public Policy Center, transmitting a report from the Long Term Care Commission as required by Act 224, SLH 2008, amended by Act 24, SLH 2010.

ORDER OF THE DAY

At this time the Chair announced:

"Members, all measures under the Reports of Standing Committees, and Final Reading will be deferred one legislative day."

REPORTS OF STANDING COMMITTEES

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1751), recommending that H.R. No. 197, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

By unanimous consent, action was deferred one legislative day.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1752) recommending that S.C.R. No. 55, SD 1, be adopted.

By unanimous consent, action was deferred one legislative day.

FINAL READING**H.B. No. 299, HD 1, SD 1:**

By unanimous consent, action was deferred one legislative day.

H.B. No. 519, HD 1, SD 2:

By unanimous consent, action was deferred one legislative day.

RECESS

Representative Evans moved that the House stand in Recess for the purpose of convening in Joint Session in the House Chamber at 12:00 noon, and reconvene for regular session at 11:30 o'clock a.m. tomorrow, seconded by Representative Pine and carried. (Representatives Cabanilla, Carroll and Herkes were excused.)

At 11:40 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 319, met in Joint Session with the Senate, for the Address of the Consul General of Japan in Honolulu.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Sixth Legislature was called to order at 12:00 o'clock noon by the Honorable Calvin K.Y. Say, Speaker of the House.

The Speaker addressed the Joint Session as follows:

"The Fourth Joint Session of the 26th Legislature of the State of Hawaii is now called to order. Distinguished guests in attendance, residents of Hawaii and family and friends in Japan, the Members of the Hawaii State Senate and the Hawaii State House of Representatives assemble today in a very special Joint Session to receive the remarks of the Honorable Yoshihiko Kamo, Consul General of Japan in Hawaii.

"On March 11, 2011, America's great friend, the majestic Country of Japan, experienced a natural disaster of epic proportion. The earthquake off the eastern coast of Japan, and the tsunami of epic magnitude which followed caused casualties and devastation to the people and land dear to Hawaii. Many of us have close ancestral ties, and a deep cultural appreciation for the people of Japan. And as Americans we all acknowledge that Japan has been a most steadfast ally of the United States for the past 60 years.

"Today we will receive a message from Consul General Yoshihiko Kamo about recovery and restoration efforts in Japan by holding a rare Joint Session. To do so, we publicly display Hawaii's profound sympathy and support for Japan and its people.

"Before receiving the Consul General's message I would like to recognize our special guests."

At this time, the Speaker introduced the following special guests:

The Honorable Neil Abercrombie, Governor of the State of Hawaii;

The Honorable Brian Schatz, Lieutenant Governor of the State of Hawaii;

The Honorable Mark E. Recktenwald, Chief Justice of the Hawaii Supreme Court; and

Mrs. Etsuko Kamo, wife of Consul General Kamo.

The Speaker then asked the House Sergeant-at-Arms to escort the Honorable Yoshihiko Kamo to the rostrum, where he was presented with lei by Senator Donna Kim on behalf of the Senate, and Representative Karen Awana on behalf of the House.

The Speaker then presented to the Members of the Twenty-Sixth Legislature and the audience, the Honorable Yoshihiko Kamo, Consul General of Japan in Honolulu.

The Consul General addressed the Members, guests and audience as follows:

"Speaker Say, President Tsutsui, Governor Abercrombie, Lieutenant Governor Schatz, Chief Justice Recktenwald, Senators, Representatives, ladies and gentlemen. It is indeed my honor and privilege to be invited to this Joint Session of the two houses of the 26th Legislature of the State of Hawaii, Regular Session of 2011, and to be given a chance to address the distinguished assembly, an update of the aftermath of the greatest Japan earthquake.

"First of all, as the Representative of the Japanese government in Hawaii, I would like to express my deepest appreciation for the sympathy and support that the people of Hawaii so generously accorded to us. I am very pleased to say that your thoughts and prayers have much encouraged us and reminded us how lucky and privileged we are to be bonded with the people of Hawaii.

"More than a month has passed since the outbreak of the disaster. Mr. Naoto Kan, Prime Minister of Japan, recently issued a statement entitled, 'Japan: the Road to Recovery and Rebirth.' In this statement he has given an update of the aftermath of the disaster and expressed his determination to bring recovery and reconstruction to Japan. So let me share his message with you by directly quoting from the text of his statement in full:

"At 14:46 on March 11, Japan was hit by one of the most powerful earthquakes in recorded history. We are now making all-out efforts to restore livelihoods and recover from the series of tragedies that followed the Great East Japan Earthquake. The disaster left more than 27,000 people dead or missing, including foreign citizens.

Since March 11, Japan has been strongly supported by the international community and our friends around the world. On behalf of the Japanese people, I would like to express my sincerest gratitude for the outpouring of support and solidarity we have received from over 130 countries, nearly 40 international organizations, numerous NGOs, and countless individuals from all parts of the world. The Japanese people deeply appreciate the *kizuna*, a Japanese word for 'bonds of friendship,' that has been shown to us by friends around the world. Through this hardship, we have also come to truly understand the meaning of, 'a friend in need is a friend indeed.'

Immediately after the earthquake struck, the U.S., our most important friend and ally, has provided swift cooperation. President Obama kindly called me to convey his strong commitment, confirming that the United States stands ready to provide all-out support to the Japanese people during this time of great difficulty. He also reaffirmed that the friendship

and alliance between our nations is unshakable. So many Japanese citizens, including myself, were enormously encouraged by these remarks. From an early stage in the response efforts, U.S. forces have diligently performed relief activities on multiple fronts as part of 'Operation Tomodachi,' named after the Japanese word for 'friendship.'

The cordial attitude that Americans have demonstrated towards us and this operation has deeply touched the hearts and minds of the Japanese. Support has come from not only the government but also NGOs and countless individuals, in various forms of humanitarian assistance, search-and-rescue missions, and charity events and fundraising. We have also received the full support of the U.S. in responding to the accidents at the Fukushima Daiichi nuclear power plant, from providing equipment and other material assistance such as fire trucks and special protective suits, to dispatching nuclear experts and radiation-control teams.

I wish to express our sincere thanks for all the sympathy and assistance the American people have extended to us.

That Japan has experienced nuclear accidents at the Fukushima Daiichi plant, whose severity was assessed as most serious based on an international scale, is extremely regrettable and something I take very seriously. Bringing the situation at the plant under control at the earliest possible date is currently my top priority. I have been working at the forefront of efforts to tackle this troubling situation. Leading a unified effort by the government, I have mobilized all available resources to combat the risks posed by the plant, based on three principles: first, give the highest priority to the safety and health of all citizens, in particular those residents living close to the plant; second, conduct thorough risk management; and, third, plan for all possible scenarios so that we are fully prepared to respond to any future situations. For example, we continue to make the utmost efforts to address the issue of outflow of radioactive water into the ocean from the plant.

In addition, the government has taken every possible measure to ensure the safety of all food and other products, based on strict scientific criteria. We have taken highly precautionary measures so that the safety of all Japanese food and products that reached the market has been and will continue to be ensured. In order to ensure domestic and foreign consumer confidence in the safety of Japanese food and products, my administration will redouble its efforts to maintain transparency and keep everyone informed of our progress in the complex and evolving circumstances at the Fukushima Daiichi plant.

I pledge that the Japanese government will promptly and thoroughly verify the cause of this incident as well as share information and lessons learned with the rest of the world in order to prevent such accidents from occurring in the future. Through such a process, we will proactively contribute to global debate to ensure the safety of nuclear power generation. Meanwhile, from a comprehensive energy policy perspective, we must squarely tackle a two-pronged challenge: responding to rising global energy demand and striving to reduce greenhouse gas emissions to combat global warming. Through the rebirth of Japan I would like to present a clear vision to the world that includes the aggressive promotion of clean energy that may contribute to solving global energy issues.

The Great East Japan Earthquake and the resulting tsunami are the worst natural disasters that Japan has faced since the end of the Second World War. Reconstruction of the devastated Tohoku region will not be easy. However, I believe that this difficult period will provide us with a precious window of opportunity to secure the 'Rebirth of Japan.' The government will dedicate itself to demonstrating to the world its ability to establish the most sophisticated reconstruction plans for East Japan, based on three principles: first, create a regional society that is highly resistant to natural disasters; second, establish a social system that allows people to live in harmony with the global environment; and third, build a compassionate society that cares about people, in particular, the vulnerable.

The Japanese people rose from the ashes of the Second World War using our fundamental strength to secure a remarkable recovery and the

country's present prosperity. I have not a single doubt that Japan will overcome this crisis, recover from the aftermath of the disaster, emerge stronger than ever, and establish a more vibrant and better Japan for future generations.

I believe that the best way for Japan to reciprocate the strong *kizuna* and cordial friendship extended to us by the international community is to continue our contribution to the development of the international community. To that end, I will work to the best of my ability to realize a forward-looking reconstruction that gives people bright hopes for the future. I would wholeheartedly appreciate your continued support and cooperation. Arigato."

"Ladies and gentlemen, I know that all of us deserve breaking up for a nice lunch by this time, but please allow me to continue another 5 minutes so that I can get my own words out to you.

"The Great East Japan Earthquake brought to Japan the unprecedented triple woes of earthquake, tsunami, and nuclear disaster. Amid this calamity I was touched by the two unlikely stories of human dignity and compassion.

"First, I marveled at the resilience of the people of the stricken Northeast Japan. They remain calm and composed and ultimately responded to the crisis helping each other and caring for the weaker instead of fighting for survival in time of extreme difficulty. These reticent, decent and enduring men and women quietly attested what human dignity and tolerance could accomplish even in extreme circumstances. I'm most obliged to them for doing us proud to be Japanese.

"Second, I was touched by the generous offers of support and assistance from the international community. As Prime Minister Kan pointed out, the United States was a principle rescuer, coming to us first and helping us most. The Pacific Command played a key role in organizing Operation Tomodachi, which mobilized the 20,000 military personnel and 20 vessels per day for helping Japan. The collaboration between U.S. forces and Japan's self-defense forces in responding to the disaster has further strengthened the U.S.-Japan alliance.

"The government and people of Hawaii showed their sympathy and support from the very beginning as well. On March 11, the day following the earthquake, Governor Abercrombie and Lieutenant Governor Schatz visited me at the Japanese Consulate and conveyed their condolences. We opened the condolence book at the Consulate from March 16 to March 25; many people including Senators and Representatives came and signed the book.

"Lieutenant Governor Schatz took the initiative in establishing the statewide fundraiser called 'Aloha for Japan.' Apart from the 'Aloha for Japan,' many other fundraising events in support of Japan are being held in Hawaii. This gushing of sympathy and support for Japan may derive from the history of the close relationship between Hawaii and Japan. The day sparked from more than 125 years ago. It is my pleasure to note that during this past month, you have made us local Japanese deeply impressed by your kindness and thoughtfulness. I will take it as my important job to let as many Japanese as possible know how much the people of Hawaii helped and cared about us.

"The strong bonds between Hawaii and Japan explain for our genuine yearning and attachment to Hawaii. I want to tell you that Japanese tourists will be back soon. The great earthquake and tsunami made many Japanese refrain from having fun to show condolence and solidarity with the victims. With more than 500,000 cancelations, Japan's domestic tourism suffered a heavy blow. Accordingly, there has emerged a growing apprehension that excessive self-restraint does more harm than good to the stricken area as it slows down the economy. Hawaii's appeal to Japanese tourists remains unchanged. Nature, people, history, safety, cleanliness and proximity all contribute to luring Japanese to Hawaii. You can count on our loyalty.

"What is more serious is a sharp drop of foreign visitors to Japan, which can be ascribed primarily to the concerns for potential exposure to radioactive substances while in Japan. Some of you may be surprised to

hear this, but Japan is not a small country. Radioactive contamination is largely an on-site and near-site issue. A large part of Japan escapes from contamination that poses general threat to the public health. World Health Organization, International Civilized Aviation Organization, and International Maritime Organization have made objective assessments that general travel restriction to Japan is not needed. Going to Japan is not prohibited by any laws. Whether it is Hokkaido or Kyushu, Tokyo or Kyoto, we are eagerly awaiting you in Japan and opportunities to reciprocate the hospitality.

"My dear Hawaii friends, I believe that Japan is blessed with new hope and future. She is endowed with virulent talent to overcome this hardship. Prime Minister Kan states that Japan aims at an innovative reconstruction rather than a mere recovery, by introducing new ideas and credible means. He set up a wise man's group to garner all available expertise and ideas from home and abroad to help map out concrete plans for reconstruction. Japan is responsible for rebuilding her nation steadily and innovatively as she has been so generously accorded with support from Hawaii and the rest of the world. The task we are undertaking is certainly challenging but we are ready to do whatever it takes with all our resolve and commitment. May our friendship with the people of Hawaii continue to guide us to a new hope and future. Thank you, Hawaii. Aloha."

The President then rose and stated:

"On behalf of the House and Senate we would like to thank the Honorable Yoshihiko Kamo for joining us today and providing us with an update on the aftermath of the great tragedies that have recently occurred in Japan.

"With many ties to Japan, our residents are deeply moved by the devastation and the suffering that the Japanese people have endured. Together we mourn the loss of life, search for answers to the missing, and offer our sympathies and support to the survivors. The resiliency and determination of the people of Japan, as well as the citizens of the world, will be necessary in rebuilding and the restoration efforts that are to come. We will continue to offer our thoughts and prayers to all those affected. Thank you again, for your presence here today.

"There being no further business, I now declare the Joint Session adjourned."

At 12:24 o'clock p.m., President Tsutsui declared the Joint Session of the House of Representatives and the Senate of the Twenty-Sixth Legislature adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 27, 2011.

FIFTY-SIXTH DAY

Wednesday, April 27, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 11:41 o'clock a.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, M. Oshiro and Souki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 196, 1117 and 1118) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 196, dated April 15, 2011, transmitting the State Foundation of Culture and Arts' Annual Report July 1, 2009 through June 30, 2010.

Gov. Msg. No. 1117, informing the House that on April 26, 2011, the following bill was signed into law:

S.B. No. 1292, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS." (ACT 017)

Gov. Msg. No. 1118, informing the House that on April 26, 2011, the following bill was signed into law:

H.B. No. 1067, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY." (ACT 018)

DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 87) was received by the Clerk and was placed on file:

Dept. Com. No. 87, dated April 8, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their 2010 Annual Report, pursuant to Section 23-9, Hawaii Revised Statutes.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Mizuno introduced members of the Susannah Wesley Community Center. They were accompanied by former Representative Lyla Berg.

Representative Ward also welcomed East Honolulu resident, Ms. Lyla Berg.

ORDER OF THE DAY

SUSPENSION OF RULES

At this time, the Chair announced:

"Members, please note that HR No. 170 has been referred solely to the Committee on Higher Education per Committee Referral Sheet No. 68. The Committees on Economic Revitalization & Business, Labor & Public Employment, and Finance waived their referrals to this measure and it is therefore appropriate for the House to consider action for Adoption."

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on H.R. No. 170. (Representatives Cabanilla, Carroll and M. Oshiro were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 1231, recommending referral to the Committees on Economic Revitalization & Business and Labor & Public Employment, seconded by Representative Evans and carried. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

UNFINISHED BUSINESS

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 170, entitled: "HOUSE RESOLUTION SUPPORTING THE WORKFORCE PIPELINE PROGRAM OF THE THIRTY METER TELESCOPE PROJECT," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1751), recommending that H.R. No. 197, as amended in HD 1, be referred to the Committee on Water, Land, & Ocean Resources.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 197, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO ACTIVATE AND ENFORCE EXISTING ORDINANCES AS WELL AS ADOPT ORDINANCES IDENTIFYING AND PROTECTING CULTURALLY VALUABLE SITES," was referred to the Committee on Water, Land, & Ocean Resources, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

Representatives Hanohano and Wooley, for the Committee on Hawaiian Affairs and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1752) recommending that S.C.R. No. 55, SD 1, be adopted.

Representative B. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1752, that S.C.R. No. 55, SD 1, be recommitted to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and S.C.R. No. 55, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT LEGISLATION THAT REDESIGNATES DISCOVERERS' DAY IN HAWAII AS INDIGENOUS PEOPLES DAY," was recommitted to the Committee on Hawaiian Affairs and the Committee on Culture & the Arts, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

UNFINISHED BUSINESS

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 299, HD 1, (SD 1)
H.B. No. 519, HD 1, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measure had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measure to the Floor for final disposition.

H.B. No. 299, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 299, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (B. Oshiro, Luke and Thielen). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 299, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

H.B. No. 519, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 519, HD 1, SD 2 pass Final Reading, seconded by Representative Evans.

Representative Pine rose in support of 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 support of H.B. 519. Our workers' compensation law provides medical insurance and wage loss protection for employees who suffer work related injuries while also protecting employers from the civil liability resulting from such injuries. For a 50% owner of a business organized as a corporation, that owner may choose to buy coverage for him- or herself, but it's not required. Yet owner-employees of Limited Liability Companies ("LLCs") cannot do this. Under the current law, an owner-employee whose business is organized as an LLC must purchase coverage regardless of how much of a percentage in that business that person owns. There's no logical reason for this difference in treatment — it is simply a historical accident. Our Workers' Compensation law was written before LLCs came into being in Hawaii, so LLCs were not mentioned. The law we presently have reflects the business world of 25 years ago.

"What this bill does then, Mr. Speaker, is modernize our Workers' Compensation law by allowing certain owner-employees to decide whether they should buy Workers' Compensation insurance coverage for themselves. H.B. 519 does this by exempting from the definition of "employment" under the workers' compensation law, those owner-employees who (1) are members of a LLC or a partner of a LLP and who possess a distributional interest in the company or partnership of at least 50%, (2) a partner in a partnership, and (3) a sole proprietor. For such owners it makes sense to opt out of workers' compensation coverage. Mandating coverage for such owner-employees imposes additional costs on businesses, particularly for sole proprietors.

"Further such mandated coverage is irrational: A business owner who is not actively involved in the day-to-day activities of the business will most likely not suffer a work-related injury and would not benefit from workers'

compensation insurance. Even if that owner does work at the business, there's little or no gain to filing a worker's compensation claim, which would increase premium costs borne by his business. It is also highly unlikely for a sole owner of a company to file a claim against his company, and thus himself. And in the case of a sole proprietorship, an injury would likely result in the termination of the business' operations. Worker's compensation insurance imposes additional costs on a business, so this bill would provide additional and much needed financial resources for small businesses.

"The testimony in support of H.B. 519 by DLIR and business organizations representing LLCs is compelling, while the arguments by those who oppose this measure because "coverage gaps" will cause more "costs to the government" lack merit: Worker's Compensation is insurance bought from a private insurance company or is self-insurance, so there is no added cost to the government should some persons not be covered — while conversely, requiring coverage in those owner-employees covered by this bill has added to the workload of our Disability Compensation Division.

"Finally, if this modernization to our workers compensation law is not enacted, our State will look all the more "business-unfriendly" to those businesses we are working to attract to Hawaii. Many states already have statutory provisions making workers' compensation coverage non-mandatory for sole proprietors and LLC members. Hawaii, Mr. Speaker, should do the same.

"The Minority Caucus for many years has worked hard on this bill, and we are justly proud of the fairness that this bill finally brings to our law today. I therefore gladly rise in support of H.B. 519."

The motion was put to vote by the Chair and carried, H.B. No. 519, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Final Reading by a vote of 48 ayes, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

At 11:50 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 299, HD 1, SD 1
H.B. No. 519, HD 1, SD 2

REPORTS OF STANDING COMMITTEES

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1753) recommending that H.R. No. 149, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 149, be adopted, seconded by Representative Evans.

Representative Ichiyama rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support. HR149 urges the City and County of Honolulu to complete the Salt Lake District Park Master Plan, to connect Salt Lake District Park and Ala Puumalu Park with a walking and biking trail. The families in our neighborhood greatly enjoy our local parks. Our kids play basketball, baseball or football, building teamwork and learning lifelong skills. Our seniors often walk around the park in the evenings or early mornings, getting their daily quota of exercise. This walking and biking trail would provide an additional recreational area for our local families. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.R. No. 149, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO COMPLETE THE IMPLEMENTATION OF SALT LAKE

DISTRICT PARK MASTER PLAN," was adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

REPORTS OF CONFERENCE COMMITTEES

Representatives Aquino and Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 172, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 172, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 172, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Representatives Brower and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1483, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 1483, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 1483, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," was deferred for a period of 48 hours.

Representatives Souki and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1094, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 1094, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51 and H.B. No. 1094, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred for a period of 48 hours.

Representatives Souki, Herkes and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1241, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 1241, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52 and H.B. No. 1241, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was deferred for a period of 48 hours.

Representative Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 555, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 555, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53 and H.B. No. 555, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Cabanilla, Carroll, Luke and M. Oshiro were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.B. No. 1130, (SD 1)
H.B. No. 1376, (SD 1)
H.B. No. 1447, HD 2, (SD 2)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate the following House Concurrent Resolution, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

H.C.R. No. 60, (SD 1)

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.C.R. No. 60, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH," was Adopted, with Representatives Cabanilla, Carroll and M. Oshiro being excused.

ANNOUNCEMENTS

Representative Herkes: "Thank you, Mr. Speaker and Members. On behalf of that little breakfast that we had, that \$100 plate, I think I told you that we raised about \$5,500. Tesoro, yesterday, told me that they were going to give \$5,000 in free gas certificates to those people in the Kona-Kohala Coast that were impacted by the tsunami to help them rebuild their lives, and we thank Tesoro for that."

ADJOURNMENT

At 11:55 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 28, 2011. (Representatives Cabanilla, Carroll and M. Oshiro were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 27, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 1130, SD 1
H.B. No. 1376, SD 1
H.B. No. 1447, HD 2, SD 2

House Communication dated April 27, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 299, HD 1, SD 1
H.B. No. 519, HD 1, SD 2

House Communication dated April 27, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable

President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolution:

H.C.R. No. 60, SD 1

FIFTY-SEVENTH DAY

Thursday, April 28, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 6:41 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, Souki and Takai, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Fifth and Thirty-Sixth Days were approved. (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 197 and 1119 through 1129) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 197, dated April 1, 2011, transmitting the 2010 Annual Report of the State of Hawaii Overseas Offices, prepared by the Department of Business, Economic Development & Tourism pursuant to Act 201, Section 201-84 [sic].

Gov. Msg. No. 1119, informing the House that on April 27, 2011, the following bill was signed into law:

H.B. No. 112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS." (ACT 019)

Gov. Msg. No. 1120, informing the House that on April 27, 2011, the following bill was signed into law:

S.B. No. 675, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS." (ACT 020)

Gov. Msg. No. 1121, informing the House that on April 27, 2011, the following bill was signed into law:

S.B. No. 1484, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 021)

Gov. Msg. No. 1122, informing the House that on April 27, 2011, the following bill was signed into law:

S.B. No. 698, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS." (ACT 022)

Gov. Msg. No. 1123, informing the House that on April 27, 2011, the following bill was signed into law:

H.B. No. 1540, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 023)

Gov. Msg. No. 1124, informing the House that on April 27, 2011, the following bill was signed into law:

S.B. No. 1171, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 024)

Gov. Msg. No. 1125, informing the House that on April 27, 2011, the following bill was signed into law:

S.B. No. 1288, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND." (ACT 025)

Gov. Msg. No. 1126, informing the House that on April 28, 2011, the following bill was signed into law:

H.B. No. 383, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION." (ACT 026)

Gov. Msg. No. 1127, informing the House that on April 28, 2011, the following bill was signed into law:

H.B. No. 775, entitled: "A BILL FOR AN ACT RELATING TO THE PHOTO ENFORCEMENT REVOLVING FUND." (ACT 027)

Gov. Msg. No. 1128, informing the House that on April 28, 2011, the following bill was signed into law:

H.B. No. 1015, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION OUT OF THE BROWNFIELDS CLEANUP REVOLVING LOAN FUND." (ACT 028)

Gov. Msg. No. 1129, informing the House that on April 28, 2011, the following bill was signed into law:

H.B. No. 1035, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM BENEFIT ENHANCEMENT MORATORIUM." (ACT 029)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 670 through 678) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 670, transmitting H.C.R. No. 4, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 671, transmitting H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 672, transmitting H.C.R. No. 128, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO REVIEW POLICIES AND PROCEDURES FOR STATE FUNDED DRUG COVERAGE PROGRAMS AND SERVICES," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 673, transmitting H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 674, transmitting H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY REGARDING THE TRANSFER OF NON-GENERAL FUNDS TO THE GENERAL FUND," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 675, transmitting H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 676, transmitting H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 677, transmitting H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS," which was adopted by the Senate on April 27, 2011.

Sen. Com. No. 678, transmitting H.C.R. No. 266, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS "DOWN SYNDROME AWARENESS MONTH" IN HAWAII," which was adopted by the Senate on April 27, 2011.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1754) recommending that S.C.R. No. 79, SD 1, be adopted.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 79, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO REVIEW ITS BY-LAWS AND POLICIES AND APPLICABLE ADMINISTRATIVE RULES AND STATUTES TO IMPROVE THE EFFECTIVENESS OF THE EDUCATIONAL DELIVERY SYSTEM," was adopted, with Representatives Cabanilla, Carroll, Souki and Takai being excused.

REPORTS OF CONFERENCE COMMITTEES

Representatives Aquino, Rhoads and Cullen, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 45, HD 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 45, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and S.B. No. 45, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Representatives McKelvey, Hanohano and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 283, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 283, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and S.B. No. 283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," was deferred for a period of 48 hours.

Representatives Herkes, Keith-Agaran and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1278, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 1278, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and S.B. No. 1278, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Tsuji and Hashem, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 281, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 281, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and S.B. No. 281, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," was deferred for a period of 48 hours.

Representatives Souki, Coffman and Ichiyama, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1493, SD 1, HD 3, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1493, SD 1, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and S.B. No. 1493, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," was deferred for a period of 48 hours.

Representatives Coffman, Chang and Tsuji, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 631, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 9) recommending that S.B. No. 631, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9 and S.B. No. 631, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred for a period of 48 hours.

Representatives Hanohano, Yamane and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 101, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 10) recommending that S.B. No. 101, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10 and S.B. No. 101, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Representatives B. Oshiro and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 105, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 11) recommending that S.B. No. 105, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11 and S.B. No. 105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," was deferred for a period of 48 hours.

Representatives McKelvey, Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 975, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 12) recommending that S.B. No. 975, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12 and S.B. No. 975, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," was deferred for a period of 48 hours.

Representatives Herkes, Keith-Agaran and Chong, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1519, SD 3, HD 2, presented a report (Conf. Com. Rep. No. 13) recommending that S.B. No. 1519, SD 3, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13 and S.B. No. 1519, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," was deferred for a period of 48 hours.

Representatives Aquino and Cullen, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 44, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 14) recommending that S.B. No. 44, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14 and S.B. No. 44, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 758, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 15) recommending that S.B. No. 758, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15 and S.B. No. 758, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," was deferred for a period of 48 hours.

Representatives Herkes, Keith-Agaran and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1277, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 16) recommending that S.B. No. 1277, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16 and S.B. No. 1277, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," was deferred for a period of 48 hours.

Representatives Chang, Tsuji and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 142, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 17) recommending that S.B. No. 142, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17 and S.B. No. 142, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," was deferred for a period of 48 hours.

Representatives Tsuji and Hashem, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 866, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 866, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54 and H.B. No. 866, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 319, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 319, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55 and H.B. No. 319, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," was deferred for a period of 48 hours.

Representatives Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 663, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 56) recommending that H.B. No. 663, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56 and H.B. No. 663, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 680, SD 2, presented a report (Conf. Com. Rep. No. 57) recommending that H.B. No. 680, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57 and H.B. No. 680, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 931, SD 1, presented a report (Conf. Com. Rep. No. 58) recommending that H.B. No. 931, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58 and H.B. No. 931, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," was deferred for a period of 48 hours.

Representatives Chang, Tsuji and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 227, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 59) recommending that H.B. No. 227, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59 and H.B. No. 227, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 985, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 60) recommending that H.B. No. 985, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60 and H.B. No. 985, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

H.B. No. 1130, (SD 1)
H.B. No. 1376, (SD 1)

H.B. No. 1447, HD 2, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 1130, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1130, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Keith-Agaran and Marumoto). Noes, none. Excused, 2 (Cabanilla and B. Oshiro).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1130, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Final Reading by a vote of 47 ayes, with Representatives Cabanilla, Carroll, Souki and Takai being excused.

H.B. No. 1376, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1376, on the following showing of Ayes and Noes:

Ayes, 3 (Keith-Agaran, B. Oshiro and Thielen). Noes, none. Excused, none.

Representative B. Oshiro moved that H.B. No. 1376, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, in support with brief comments and slight reservations, and request for additional comments into the Journal.

"Mr. Speaker, this is a good bill and I commend the Majority Leader for ushering it through. It's the shield law. It's for protecting our First Amendment rights for the media. The unfortunate thing about this bill is that it expires in two years. I don't think the papers are going to go away. We're evolving. We're getting more information, it's out. I think it's more important that this become permanent and does not have a sunset. But that's the only reservation of what otherwise is a very good bill. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations for House Bill 1376, Senate Draft 1, Relating to Evidence. This measure, also known as the "Shield Law," extends the limited news media privilege against the compelled disclosure of sources and unpublished information to June 30, 2013.

"The original version of House Bill 1376 is very similar to a measure I introduced, House Bill 194. These measures would have made the "Shield Law" permanent, ensuring protection for non-traditional journalists.

"My reservations lie in the compromise that this measure extends the "Shield Law" to June 30, 2013 and requires The Judiciary, through its Standing Committee on Rules of Evidence, to report to the 2012 Legislature, statistics and the Judiciary's recommendations on the future of the "Shield Law."

"One mandate requires the Judiciary to collect information on other states that have enacted legislation that is similar to Act 210 (SLH 2008). Mr. Speaker, at the Thursday, April 7, 2011 Senate Committee on Judiciary and Labor hearing, the Media Council of Hawaii's written testimony clearly states that "thirty-six states and the District of Columbia have enacted shield laws." Furthermore, they write that "Hawaii's law is widely regarded as one of the best in the nation."

"The Society of Professional Journalists – Hawaii Chapter, at the same hearing, opines that "there has been no documented harm to the state in the two years the shield law has been in effect and at least two cases where the law served its purpose in furthering a free press."

"Mr. Speaker, as digital media continues to evolve, and print media disappears, we must be proactive and protect non-traditional journalists such as bloggers, and media sources that publish their material on the Internet and via other forms of electronic media.

"I remain optimistic that The Judiciary's Standing Committee on Rules of Evidence will make the right decision in 2012, and recommend that the "Shield Law" remain permanent.

"Unfortunately, a codified reality repealing Act 210 (SLH 2008) on June 30, 2013 will exist if the Governor signs this bill into law. Therefore, I vote in support with reservations for House Bill 1376, Senate Draft 1."

The motion was put to vote by the Chair and carried, and H.B. No. 1376, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," passed Final Reading by a vote of 47 ayes, with Representatives Cabanilla, Carroll, Souki and Takai being excused.

H.B. No. 1447, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 1447, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"I am in support of this bill. Last year we passed legislation that created a new product for the financial services professionals to offer. This year we tweaked the law by making this product more attractive. A lot of our time is spent on trying to diversify our economy and support businesses by focusing on tax preferences. Not enough of our efforts are put into areas of creating new financial products, which is a very environmentally clean business. In fact, the last time I can remember creating a new niche in financial services was the creation of captive insurance companies.

"This legislation should be the rebirth of using our intellectual capital to support and diversify our economy. I look forward to sharing our efforts with the professional accounting community this summer and watching this new product grow. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1447, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Rhoads voting no, and with Representatives Cabanilla, Carroll, Souki and Takai being excused.

At 6:48 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1130, SD 1
H.B. No. 1376, SD 1
H.B. No. 1447, HD 2, SD 2

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of

reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

H.B. No. 467, HD 2, (SD 1)
H.B. No. 924, HD 2, (SD 2)
H.B. No. 1056, HD 1, (SD 2)
H.B. No. 1107, HD 1, (SD 2)
H.B. No. 1434, HD 2, (SD 1)

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolution, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

H.C.R. No. 309, HD 1, (SD 1)

Representative B. Oshiro moved that H.C.R. No. 309, HD 1, SD 1, be Adopted, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you so much, Mr. Speaker. I rise in support. I know we have a lot of important things that we're discussing now, so this reso is very little compared to what we are discussing. But it has some meaning I think. And hopefully it can, and I'm very grateful that it can give us some positive feelings as we enter what is a challenging, what continues to be a challenging week, and next week.

"Mr. Speaker, I rise in support of this measure that was established by Marcie Davis, a paraplegic of over 35 years. This National Assistance Dog Week was created not just to recognize the devotion, the hard work, and the often times heroic deeds of assistance dogs, but also to those who provide the training and those who work with these animals that provide service to our community. We can educate those on the service that they give.

"Mr. Speaker, coming back from the Pali Highway, picking up my daughter, there was a car in front of me. Many of you may have seen this bumper sticker. Maybe many of you have seen this graffiti on your parks, on your buildings, in your communities. And it said, 'ainokea.' It's spelled A-I-N-O-K-E-A. It said, 'Ainokea. I do what I like.' This is what the bumper sticker said.

"So maybe there are those who care. These dogs, these trainers, they care. And people are aware of guide dogs who assist people, not just with vision loss. They assist them with walking, balancing, carrying items, opening doors, helping. Hearing alert dogs who assist those with hearing loss. Seizure response dogs who alert people and medical conditions such as heart attack, stroke, diabetes. Trained to provide notice to their owners about the medical conditions that they have. They serve in the police department. They serve in the military tactical arsenals, in scouting, in tracking, in service. And through these resolutions, perhaps we acknowledge these people who are associated with this uniquely caring, service-oriented animal.

"From Barry, the Superdog of Switzerland, he rescued over 40 people from heavy snow in the Swiss Alps. To this day, a statue is in Switzerland for him. To Bear, the Hero of Ground Zero who led the first search and

rescue teams after the World Trade Center tragedies. But also to Hachiko, where there stands a statue in Japan of a dog who was known for his loyalty to his master. The most loyal friend, who awaited his owner's return, even as his owner had passed away.

"Perhaps we as leaders will remember that we stand for the power of this Capitol because much like perhaps, some of the roles that they play, it's our duty, our honor to serve and to remain forever loyal to the people of Hawaii. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.C.R. No. 309, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST OF EVERY YEAR AS "HAWAII STATE ASSISTANCE DOGS WEEK"," was Adopted, with Representatives Cabanilla, Carroll, Souki and Takai being excused.

At this time, Representative Evans moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Pine and carried. (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

RECESS

At 6:55 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 6:30 o'clock p.m. tomorrow, Friday, April 29, 2011. (Representatives Cabanilla, Carroll, Souki and Takai were excused.)

SUPPLEMENTAL CALENDAR #1

REPORTS OF CONFERENCE COMMITTEES

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 18 through 33; and 61 through 83) were received by the Clerk prior to 12:00 o'clock midnight this legislative day:

Representatives Tsuji, Chang and Hashem, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 14, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 18) recommending that S.B. No. 14, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18 and S.B. No. 14, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," was deferred for a period of 48 hours.

Representatives McKelvey, Chang and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1213, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 19) recommending that S.B. No. 1213, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19 and S.B. No. 1213, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," was deferred for a period of 48 hours.

Representatives McKelvey, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 298, SD 3, HD 3, presented a report (Conf. Com. Rep. No. 20) recommending that S.B. No. 298, SD 3, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20 and S.B. No. 298,

SD 3, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1485, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 21) recommending that S.B. No. 1485, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21 and S.B. No. 1485, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1282, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 22) recommending that S.B. No. 1282, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22 and S.B. No. 1282, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1503, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 23) recommending that S.B. No. 1503, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23 and S.B. No. 1503, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," was deferred for a period of 48 hours.

Representatives Hanohano, Aquino, Rhoads and C. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 986, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 24) recommending that S.B. No. 986, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24 and S.B. No. 986, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 40, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 25) recommending that S.B. No. 40, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25 and S.B. No. 40, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," was deferred for a period of 48 hours.

Representatives Coffman, Chong, Chang and Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 181, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 26) recommending that S.B. No. 181, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26 and S.B. No. 181, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," was deferred for a period of 48 hours.

Representatives Aquino and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments

proposed by the House in S.B. No. 49, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 27) recommending that S.B. No. 49, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27 and S.B. No. 49, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 106, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 28) recommending that S.B. No. 106, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28 and S.B. No. 106, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1068, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 29) recommending that S.B. No. 1068, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29 and S.B. No. 1068, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," was deferred for a period of 48 hours.

Representatives Mizuno and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 217, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 30) recommending that S.B. No. 217, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30 and S.B. No. 217, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," was deferred for a period of 48 hours.

Representatives Rhoads, Mizuno and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 229, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 31) recommending that S.B. No. 229, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31 and S.B. No. 229, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," was deferred for a period of 48 hours.

Representatives Aquino and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1025, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 32) recommending that S.B. No. 1025, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32 and S.B. No. 1025, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred for a period of 48 hours.

Representatives Aquino and Rhoads, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1067, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 33) recommending that S.B. No. 1067, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33 and S.B. No. 1067,

SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," was deferred for a period of 48 hours.

Representatives Chang, Coffman and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 117, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 61) recommending that H.B. No. 117, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61 and H.B. No. 117, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," was deferred for a period of 48 hours.

Representatives Aquino, Yamane and Cullen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1088, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 62) recommending that H.B. No. 1088, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62 and H.B. No. 1088, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred for a period of 48 hours.

Representatives Herkes and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1049, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 63) recommending that H.B. No. 1049, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63 and H.B. No. 1049, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Mizuno and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 909, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 64) recommending that H.B. No. 909, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64 and H.B. No. 909, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred for a period of 48 hours.

Representatives Mizuno, B. Oshiro and Jordan, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1005, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 65) recommending that H.B. No. 1005, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65 and H.B. No. 1005, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," was deferred for a period of 48 hours.

Representatives Mizuno and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 56, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 66) recommending that H.B. No. 56, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66 and H.B. No. 56, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," was deferred for a period of 48 hours.

Representatives Tsuji, Chang and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments

proposed by the Senate in H.B. No. 1230, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 67) recommending that H.B. No. 1230, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67 and H.B. No. 1230, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS," was deferred for a period of 48 hours.

Representative Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 44, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 68) recommending that H.B. No. 44, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68 and H.B. No. 44, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," was deferred for a period of 48 hours.

Representatives Coffman and Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1520, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 69) recommending that H.B. No. 1520, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69 and H.B. No. 1520, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred for a period of 48 hours.

Representatives Yamane, Mizuno and Chang, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1654, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 70) recommending that H.B. No. 1654, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70 and H.B. No. 1654, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," was deferred for a period of 48 hours.

Representatives Yamane and Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 484, SD 2, presented a report (Conf. Com. Rep. No. 71) recommending that H.B. No. 484, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71 and H.B. No. 484, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," was deferred for a period of 48 hours.

Representatives Yamane and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 597, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 72) recommending that H.B. No. 597, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72 and H.B. No. 597, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was deferred for a period of 48 hours.

Representatives Mizuno and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 616, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 73) recommending that H.B. No. 616, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73 and H.B. No. 616,

HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," was deferred for a period of 48 hours.

Representatives Mizuno and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1003, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 74) recommending that H.B. No. 1003, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74 and H.B. No. 1003, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 243, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 75) recommending that H.B. No. 243, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75 and H.B. No. 243, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 240, SD 1, presented a report (Conf. Com. Rep. No. 76) recommending that H.B. No. 240, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76 and H.B. No. 240, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 141, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 77) recommending that H.B. No. 141, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77 and H.B. No. 141, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1138, SD 2, presented a report (Conf. Com. Rep. No. 78) recommending that H.B. No. 1138, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78 and H.B. No. 1138, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," was deferred for a period of 48 hours.

Representatives Keith-Agaran, Yamane and Morikawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1071, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 79) recommending that H.B. No. 1071, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79 and H.B. No. 1071, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate

in H.B. No. 593, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 80) recommending that H.B. No. 593, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80 and H.B. No. 593, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 716, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 81) recommending that H.B. No. 716, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81 and H.B. No. 716, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 747, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 82) recommending that H.B. No. 747, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82 and H.B. No. 747, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE," was deferred for a period of 48 hours.

Representative Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1155, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 83) recommending that H.B. No. 1155, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83 and H.B. No. 1155, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," was deferred for a period of 48 hours.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Friday, April 29, 2011.

HOUSE COMMUNICATIONS

House Communication dated April 28, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 467, HD 2, SD 1
H.B. No. 924, HD 2, SD 2
H.B. No. 1056, HD 1, SD 2
H.B. No. 1107, HD 1, SD 2
H.B. No. 1434, HD 2, SD 1

House Communication dated April 28, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 1130, SD 1
H.B. No. 1376, SD 1

H.B. No. 1447, HD 2, SD 2

House Communication dated April 28, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolution:

H.C.R. No. 309, HD 1, SD 1

FIFTY-EIGHTH DAY

Friday, April 29, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 6:42 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, Chong, Har, M. Oshiro and Takai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1130 through 1133) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1130, informing the House that on April 28, 2011, the following bill was signed into law:

S.B. No. 1293, HD 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES." (ACT 030)

Gov. Msg. No. 1131, informing the House that on April 29, 2011, the following bill was signed into law:

S.B. No. 1301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS." (ACT 031)

Gov. Msg. No. 1132, informing the House that on April 29, 2011, the following bill was signed into law:

S.B. No. 1318, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX." (ACT 032)

Gov. Msg. No. 1133, informing the House that on April 29, 2011, the following bill was signed into law:

S.B. No. 1260, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE." (ACT 033)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 679 through 686) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 679, transmitting H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," which was adopted by the Senate on April 28, 2011.

Sen. Com. No. 680, transmitting H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II," which was adopted by the Senate on April 28, 2011.

Sen. Com. No. 681, transmitting H.C.R. No. 126, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN EARNED-TIME PROGRAM

FOR HAWAII'S NON-VIOLENT AND LOW-LEVEL DRUG OFFENDERS," which was adopted by the Senate on April 28, 2011.

Sen. Com. No. 682, transmitting H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER," which was adopted by the Senate on April 28, 2011.

Sen. Com. No. 683, transmitting H.C.R. No. 253, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS," which was adopted by the Senate on April 28, 2011.

Sen. Com. No. 684, transmitting H.C.R. No. 263, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE USE OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY-CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS, AND IN CONDOMINIUMS AND OTHER HIGH RISES THAT DO NOT HAVE SPRINKLER SYSTEMS," which was adopted by the Senate on April 28, 2011.

Sen. Com. No. 685, dated April 28, 2011, informing the House that the Senate has on April 27, 2011, agreed to the amendments proposed by the House to the following Senate Concurrent Resolution and that said resolution was this day adopted by the Senate:

S.C.R. No. 44, SD 1, HD 1

Sen. Com. No. 686, dated April 28, 2011, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolution:

S.C.R. No. 124, SD 2, HD 1

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Keith-Agaran introduced his wife, Mrs. Kallie Keith-Agaran of Maui.

ORDER OF THE DAY

The Chair then announced:

"Members, all items under Unfinished Business, Reports of Standing Committees and Final Reading will be deferred one legislative day. Also, please note the Conference Committee Reports listed for 48-hour notice."

UNFINISHED BUSINESS

Conf. Com. Rep. No. 2 and S.B. No. 172, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred one legislative day.

Conf. Com. Rep. No. 3 and S.B. No. 1483, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

Conf. Com. Rep. No. 51 and H.B. No. 1094, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred one legislative day.

Conf. Com. Rep. No. 52 and H.B. No. 1241, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one legislative day.

Conf. Com. Rep. No. 53 and H.B. No. 555, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one legislative day.

REPORTS OF STANDING COMMITTEES

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1755) recommending that S.C.R. No. 111, SD 1, be adopted.

By unanimous consent, action was deferred one legislative day.

REPORTS OF CONFERENCE COMMITTEES

Representatives Yamane, Mizuno and Morikawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 285, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 34) recommending that S.B. No. 285, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34 and S.B. No. 285, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Representatives Chong, Chang and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1394, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 35) recommending that S.B. No. 1394, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35 and S.B. No. 1394, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 806, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 36) recommending that S.B. No. 806, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36 and S.B. No. 806, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was deferred for a period of 48 hours.

Representatives Chang, Tsuji, Souki and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1511, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 37) recommending that S.B. No. 1511, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37 and S.B. No. 1511, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," was deferred for a period of 48 hours.

Representatives Hanohano and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1290, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 38) recommending that S.B. No. 1290, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38 and S.B. No. 1290,

SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," was deferred for a period of 48 hours.

Representatives Nishimoto and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1331, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 39) recommending that S.B. No. 1331, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39 and S.B. No. 1331, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 945, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 84) recommending that H.B. No. 945, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84 and H.B. No. 945, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Takumi, Aquino and Cullen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 4, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 85) recommending that H.B. No. 4, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85 and H.B. No. 4, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," was deferred for a period of 48 hours.

Representatives Mizuno and M. Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 739, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 86) recommending that H.B. No. 739, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86 and H.B. No. 739, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," was deferred for a period of 48 hours.

Representatives Aquino and Cullen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 605, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 87) recommending that H.B. No. 605, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87 and H.B. No. 605, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

FINAL READING**H.B. No. 467, HD 2, SD 1**

By unanimous consent, action was deferred one legislative day.

H.B. No. 924, HD 2, SD 2

By unanimous consent, action was deferred one legislative day.

H.B. No. 1056, HD 1, SD 2

By unanimous consent, action was deferred one legislative day.

H.B. No. 1107, HD 1, SD 2

By unanimous consent, action was deferred one legislative day.

H.B. No. 1434, HD 2, SD 1

By unanimous consent, action was deferred one legislative day.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Cabanilla, Carroll, Chong, Har, McKelvey, M. Oshiro and Takai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll, Chong, Har, McKelvey, M. Oshiro and Takai were excused.)

H.B. No. 318, HD 2, (SD 2)
H.B. No. 404, HD 1, (SD 1)
H.B. No. 773, HD 1, (SD 1)
H.B. No. 953, HD 2, (SD 1)
H.B. No. 968, HD 1, (SD 1)
H.B. No. 1009, HD 2, (SD 2)
H.B. No. 1036, HD 1, (SD 2)
H.B. No. 1313, HD 2, (SD 1)
H.B. No. 1532, HD 2, (SD 2)

ANNOUNCEMENTS

Representative Choy: This Sunday on May 1st, Malama O Manoa is going to have a historic walking tour. I don't know if any of you participated before, but this is an opportunity to see all the historic homes in old Manoa. It's going to be from 8:30 in the morning, to 10:30. I'd like to welcome all of you to Manoa Valley for the walking tour. I think parking is going to be at Punahou School. Thank you, Mr. Speaker."

Representative B. Oshiro: "Thank you, Mr. Speaker. I'd just like to remind all of the Members, especially those who are Conference Committee Members, as well as Co-Chairs or Chairs, that you are on-call for the rest of the evening just in case any of the Conference Committees needs to reconvene. Thank you."

Representative Ward: "Mr. Speaker. A point of information. How long should we be on standby? 10, 11, 12? 5 in the morning? What?"

Representative B. Oshiro: "Mr. Speaker, I would respond that people should be on-call until 12:00 in the evening unless there is an announcement made otherwise."

Representative Say: "Mr. Speaker. On a lively and jovial note, we have a birthday boy who just turned 55. Representative Ken Ito. Please rise."

At 6:50 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:51 o'clock p.m.

At this time, Representative Evans moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Pine and carried. (Representatives Cabanilla, Carroll, Har, M. Oshiro and Takai were excused.)

RECESS

At 6:51 o'clock p.m., on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives stood in recess until 9:00 o'clock a.m. Tuesday, May 3, 2011. (Representatives Cabanilla, Carroll, Har, M. Oshiro and Takai were excused.)

SUPPLEMENTAL CALENDAR #1

REPORTS OF CONFERENCE COMMITTEES

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 40 through 50; and 88 through 143) were received by the Clerk prior to 12:00 o'clock midnight this legislative day:

Representatives Herkes, Coffman and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1347, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 40) recommending that S.B. No. 1347, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40 and S.B. No. 1347, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred for a period of 48 hours.

Representatives Hanohano, Keith-Agaran and C. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1520, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 41) recommending that S.B. No. 1520, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41 and S.B. No. 1520, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred for a period of 48 hours.

Representatives Aquino, Rhoads and Cullen, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 742, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 42) recommending that S.B. No. 742, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42 and S.B. No. 742, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1383, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 43) recommending that S.B. No. 1383, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43 and S.B. No. 1383, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Representatives Hanohano, Chang and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2, SD 2, HD 1, presented a report

(Conf. Com. Rep. No. 44) recommending that S.B. No. 2, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44 and S.B. No. 2, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND," was deferred for a period of 48 hours.

Representatives Hanohano, Chang and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 23, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 45) recommending that S.B. No. 23, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45 and S.B. No. 23, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," was deferred for a period of 48 hours.

Representatives Chong and Jordan, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 903, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 46) recommending that S.B. No. 903, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46 and S.B. No. 903, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1154, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 47) recommending that S.B. No. 1154, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47 and S.B. No. 1154, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Representatives Chang, Brower and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1530, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 48) recommending that S.B. No. 1530, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48 and S.B. No. 1530, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1555, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 49) recommending that S.B. No. 1555, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49 and S.B. No. 1555, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred for a period of 48 hours.

Representatives B. Oshiro and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 34, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 50) recommending that S.B. No. 34, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50 and S.B. No. 34, SD 1,

HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," was deferred for a period of 48 hours.

Representatives Aquino, Keith-Agaran and Cullen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1085, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 88) recommending that H.B. No. 1085, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88 and H.B. No. 1085, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Representatives Herkes, Keith-Agaran and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1052, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 89) recommending that H.B. No. 1052, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89 and H.B. No. 1052, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1079, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 90) recommending that H.B. No. 1079, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90 and H.B. No. 1079, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," was deferred for a period of 48 hours.

Representatives Aquino, Herkes and Cullen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1000, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 91) recommending that H.B. No. 1000, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91 and H.B. No. 1000, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," was deferred for a period of 48 hours.

Representatives Takumi, B. Oshiro and M. Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 688, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 92) recommending that H.B. No. 688, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92 and H.B. No. 688, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Aquino and Cullen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 491, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 93) recommending that H.B. No. 491, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93 and H.B. No. 491, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Representatives Coffman and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 423, HD 1, SD 1, presented a report

(Conf. Com. Rep. No. 94) recommending that H.B. No. 423, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94 and H.B. No. 423, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Representatives Coffman and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 855, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 95) recommending that H.B. No. 855, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95 and H.B. No. 855, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," was deferred for a period of 48 hours.

Representatives Coffman and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1286, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 96) recommending that H.B. No. 1286, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96 and H.B. No. 1286, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 301, SD 1, presented a report (Conf. Com. Rep. No. 97) recommending that H.B. No. 301, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97 and H.B. No. 301, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 545, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 98) recommending that H.B. No. 545, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98 and H.B. No. 545, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 828, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 99) recommending that H.B. No. 828, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99 and H.B. No. 828, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representatives Keith-Agaran and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 838, HD 2, SD 1, presented a report

(Conf. Com. Rep. No. 100) recommending that H.B. No. 838, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100 and H.B. No. 838, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," was deferred for a period of 48 hours.

Representatives Rhoads, McKelvey, Keith-Agaran and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1089, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 101) recommending that S.B. No. 1089, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101 and S.B. No. 1089, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," was deferred for a period of 48 hours.

Representatives Souki and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1328, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 102) recommending that S.B. No. 1328, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102 and S.B. No. 1328, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was deferred for a period of 48 hours.

Representatives Souki and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1329, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 103) recommending that S.B. No. 1329, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103 and S.B. No. 1329, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 163, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 104) recommending that S.B. No. 163, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104 and S.B. No. 163, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Representatives Rhoads and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 52, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 105) recommending that S.B. No. 52, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105 and S.B. No. 52, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," was deferred for a period of 48 hours.

Representatives Yamane, Herkes, Keith-Agaran and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1274, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 106) recommending that S.B. No. 1274, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106 and S.B. No. 1274, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Representatives Rhoads, McKelvey and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1221, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 107) recommending that S.B. No. 1221, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 107 and S.B. No. 1221, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1348, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 108) recommending that S.B. No. 1348, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108 and S.B. No. 1348, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," was deferred for a period of 48 hours.

Representatives Takumi and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1174, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 109) recommending that S.B. No. 1174, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 109 and S.B. No. 1174, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Representatives Takumi and M. Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1284, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 110) recommending that S.B. No. 1284, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110 and S.B. No. 1284, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1070, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 111) recommending that H.B. No. 1070, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111 and H.B. No. 1070, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1333, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 112) recommending that H.B. No. 1333, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112 and H.B. No. 1333, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1368, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 113) recommending that H.B. No. 1368, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113 and H.B. No. 1368, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1613, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 114) recommending that H.B. No. 1613, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114 and H.B. No. 1613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," was deferred for a period of 48 hours.

Representatives Yamane, Keith-Agaran and Morikawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 889, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 115) recommending that H.B. No. 889, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115 and H.B. No. 889, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Representatives Yamane and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 761, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 116) recommending that H.B. No. 761, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116 and H.B. No. 761, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and Morikawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1045, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 117) recommending that H.B. No. 1045, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117 and H.B. No. 1045, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives McKelvey and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 801, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 118) recommending that H.B. No. 801, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118 and H.B. No. 801, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representatives McKelvey, Tsuji and Choy, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 667, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 119) recommending that H.B. No. 667, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119 and H.B. No. 667, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," was deferred for a period of 48 hours.

Representatives McKelvey, Herkes and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1342, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 120) recommending that H.B. No. 1342, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120 and H.B. No. 1342, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1060, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 121) recommending that H.B. No. 1060, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121 and H.B. No. 1060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1089, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 122) recommending that H.B. No. 1089, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122 and H.B. No. 1089, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Representatives Chong and Jordan, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 960, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 123) recommending that H.B. No. 960, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123 and H.B. No. 960, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," was deferred for a period of 48 hours.

Representatives Chang, Hanohano, Keith-Agaran and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1405, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 124) recommending that H.B. No. 1405, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 124 and H.B. No. 1405, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," was deferred for a period of 48 hours.

Representatives Chang and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1505, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 125) recommending that H.B. No. 1505, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 125 and H.B. No. 1505, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1082, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 126) recommending that H.B. No. 1082, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 126 and H.B. No. 1082, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 331, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 127) recommending that H.B. No. 331, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 127 and H.B. No. 331, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred for a period of 48 hours.

Representatives Chang and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1164, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 128) recommending that H.B. No. 1164, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 128 and H.B. No. 1164, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was deferred for a period of 48 hours.

Representatives Keith-Agaran and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 300, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 129) recommending that H.B. No. 300, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 129 and H.B. No. 300, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Representatives Chang and Har, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1566, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 130) recommending that H.B. No. 1566, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 130 and H.B. No. 1566, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," was deferred for a period of 48 hours.

Representatives Keith-Agaran and Choy, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1073, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 131) recommending that S.B. No. 1073, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 131 and S.B. No. 1073, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1270, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 132) recommending that S.B. No. 1270, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 132 and S.B. No. 1270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," was deferred for a period of 48 hours.

Representatives Herkes, Keith-Agaran and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 651, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 133) recommending that S.B. No. 651, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 133 and S.B. No. 651, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," was deferred for a period of 48 hours.

Representatives Coffman, Herkes and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1482, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 134) recommending that S.B. No. 1482, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 134 and S.B. No. 1482, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred for a period of 48 hours.

Representatives Coffman, Souki and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 146, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 135) recommending that S.B. No. 146, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 135 and S.B. No. 146, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," was deferred for a period of 48 hours.

Representatives Coffman and M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1244, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 136) recommending that S.B. No. 1244, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136 and S.B. No. 1244, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 570, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 137) recommending that S.B. No. 570, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137 and S.B. No. 570, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 754, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 138) recommending that S.B. No. 754, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138 and S.B. No. 754, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1186, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 139) recommending that S.B. No. 1186, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139 and S.B. No. 1186, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," was deferred for a period of 48 hours.

Representatives Souki, Chang and Ichiyama, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1020, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 140) recommending that H.B. No. 1020, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140 and H.B. No. 1020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," was deferred for a period of 48 hours.

Representatives Souki and M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1039, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 141) recommending that H.B. No. 1039, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141 and H.B. No. 1039, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Representatives Souki, Tsuji and Ichiyama, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1568, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 142) recommending that H.B. No. 1568, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142 and H.B. No. 1568, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 200, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 143) recommending that H.B. No. 200, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143 and H.B. No. 200, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Please note that a waiver was granted by the House Speaker and Senate President for the following Conference Committee Report that was filed after the 12:00 midnight Final Decking deadline and that said measure will be positioned for passage on Final Reading on Thursday, May 5, 2011:

Conf. Com. Rep. No. 144 and S.B. No. 120, SD 1, HD 1, CD 1

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 9:00 o'clock a.m. Tuesday, May 3, 2011.

HOUSE COMMUNICATIONS

House Communication dated April 29, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 318, HD 2, SD 2
 H.B. No. 404, HD 1, SD 1
 H.B. No. 773, HD 1, SD 1
 H.B. No. 953, HD 2, SD 1
 H.B. No. 968, HD 1, SD 1
 H.B. No. 1009, HD 2, SD 2
 H.B. No. 1036, HD 1, SD 2
 H.B. No. 1313, HD 2, SD 1
 H.B. No. 1532, HD 2, SD 2

OTHER COMMUNICATIONS

"HAWAII STATE LEGISLATURE
 STATE CAPITOL
 HONOLULU, HAWAII 96813

April 30, 2011
 12:30 a.m.

MEMORANDUM

TO: All Representatives
 All Senators

FROM: Speaker Calvin K.Y. Say /s/
 Senate President Shan S. Tsutsui /s/

RE: Extension of Conference Committee Report Filing Deadline

In January of this year, we prepared an internal legislative timetable, setting April 29th as the last day to file fiscal bills to deck for Final Reading. Earlier this month, we signed the Conference Committee Guidelines that provides, in paragraph 11(c) that all Conference Committee reports shall be filed by 11:30 p.m. on Friday, April 29th. However, several measures were being negotiated throughout this evening on April 29th.

The Conference Committee on SB120, SD1, HD1, reached agreement on the substance of the measure, but did not have the time to prepare and adequately review the report and the final form of the Conference Draft prior to the filing deadline. Therefore, we exercised our powers under Rule 13 of the Conference Committee Guidelines, to make an exception to this deadline for SB120, SD1, HD1, as it was agreed to and voted upon in Conference Room 309.

We granted this exception to provide the conference members with an opportunity to ensure that the Conference Committee report and the Conference draft reflect the agreement made on Friday evening. We felt that since the Conferees had reached timely agreement on this bill, allowing this bill to die based on an internal procedural deadline for filing paperwork with the respective Clerks' Offices, is not in the best interest of the people of Hawaii.

For SB120, SD1, HD1, the Clerks of the respective Chambers shall accept a Conference draft no later than 9:00 a.m. tomorrow, Saturday, April 30th.

I wish to emphasize that previous Legislatures, when facing similar problems in past years, have followed the same procedure we will follow with these measures."

"HAWAII STATE LEGISLATURE
 STATE CAPITOL
 HONOLULU, HAWAII 96813

May 1, 2011
 3:00 p.m.

MEMORANDUM

TO: All Representatives
 All Senators

FROM: Speaker Calvin K.Y. Say /s/
 Senate President Shan S. Tsutsui /s/

RE: Additional Extension of Conference Committee Report Filing
 Deadline for S.B. 120, S.D. 1, H.D. 1

On April 30, 2011 at 12:30 a.m., we granted an extension of the Conference Committee report filing deadline for S.B. 120, S.D. 1, H.D. 1, to ensure adequate time to prepare and review the report and the final form of the Conference Draft prior to the filing deadline. The Clerks of the respective Chambers were instructed to accept a Conference draft no later than 9:00 a.m., Saturday, April 30th.

Pursuant to Rule 13 of the Conference Committee Guidelines, we granted a further extension to instruct the Clerks of the respective Chambers to accept a Conference draft no later than 11:00 a.m., Saturday April 30th.

A further extension was necessary to ensure the report and Conference Draft accurately reflected the agreement of the Conference Committee, as negotiated during the evening of April 29, 2011."

FIFTY-NINTH DAY

Tuesday, May 3, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 9:10 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll and Pine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Eighth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 687 through 691) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 687, transmitting H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT," which was adopted by the Senate on April 29, 2011.

Sen. Com. No. 688, transmitting H.C.R. No. 104, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA'ITHA'I FISHPOND AND MAUNALUA BAY," which was adopted by the Senate on April 29, 2011.

Sen. Com. No. 689, transmitting H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI," which was adopted by the Senate on April 29, 2011.

Sen. Com. No. 690, transmitting H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII," which was adopted by the Senate on April 29, 2011.

Sen. Com. No. 691, transmitting H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL," which was adopted by the Senate on April 29, 2011.

INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative M. Oshiro introduced the members of the House Committee on Finance staff:

Mr. Nandana Kalupahana, Committee Clerk;
Ms. Tracy Kubota, Administrative Services Manager;
Mr. Jo Hamasaki, Committee Specialist;
Ms. Midori Hirai, Legislative Aide;

Ms. Lucia Phan, Legislative Aide;
Ms. Jenai Umetsu, Legislative Aide;
Ms. Debra Yuen, Legislative Aide;

Mr. Randall Hiyoto, Research Chief;
Ms. Stacey Tagala, Research Supervisor;
Ms. Tiffany Aoyama, Researcher;
Mr. James Larson, Researcher/Intern;
Ms. Megan Muramatsu, Researcher;
Ms. Nicole Velasco, Researcher;

Ms. Puna Chai, Budget Chief;
Mr. Alex Kagawa, Budget Supervisor;
Mr. Erik Abe, CIP Specialist/Researcher;
Mr. Nicholas Chong, Budget Analyst;
Mr. Michael Fisher, Budget Analyst;
Ms. Karisa Look, Budget Analyst;
Ms. Maryanne Takahashi, Budget Analyst; and
Ms. Renee Stapley, Budget Analyst.

At 9:13 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:37 o'clock a.m.

ORDER OF THE DAY

REPORTS OF CONFERENCE COMMITTEES

At this time, the Chair announced:

"Members, at this time, we will take one item out of order. On page 23 of your Order of the Day, Conf. Com. Rep. No. 144 and SB No. 120, SD 1, HD 1, CD 1."

Representative M. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 120, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 144) recommending that S.B. No. 120, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144 and S.B. No. 120, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

At this time, Representative M. Oshiro offered Floor Amendment No. 8, amending S.B. No. 120, SD 1, HD 1, CD 1, as follows:

"SECTION 1. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by deleting Section 2 and replacing it with new language to read as follows:

"SECTION 2. On July 1, 2011:

- (1) All moneys in the travel agency recovery fund and the travel agency education fund, as of June 30, 2011, shall be transferred to the general fund of the State of Hawaii; and
- (2) The travel agency recovery fund and the travel agency education fund shall cease to exist."

SECTION 2. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by amending the language in Part III, relating to fund transfers, by replacing in each instance, the phrase, "On July 1, 2011," with "until June 30, 2011," and the phrase "fiscal year 2011-2012" with "fiscal year 2010-2011".

SECTION 3. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by changing the amount identified and authorized to be transferred in Section 23 from \$1,500,000 to \$4,200,000.

SECTION 4. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by deleting Section 30.

SECTION 5. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by adding two new sections to Part III to read as follows:

"SECTION 37. The legislature determines that there is in the captive insurance administrative fund at least \$2,500,000 in excess of the requirements of the fund. Until June 30, 2011, the director of finance is authorized to transfer from the captive insurance administrative fund to the general fund the sum of \$2,500,000 or so much thereof as may be necessary for fiscal year 2010-2011.

SECTION 38. The legislature determines that there is in the health care revolving fund at least \$916,284 in excess of the requirements of the fund. Until June 30, 2011, the director of finance is authorized to transfer from the health care revolving fund to the general fund the sum of \$916,284 or so much thereof as may be necessary for fiscal year 2010-2011."

SECTION 6. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by adding two new sections to Part V to read as follows:

"SECTION 56. Part XIII of chapter 346, Hawaii Revised Statutes, is repealed.

SECTION 57. Part XV of chapter 346, Hawaii Revised Statutes, is repealed."

SECTION 7. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by amending Section 58 to change the phrase "On July 1, 2011," to "By July 1, 2011".

SECTION 8. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by changing the effective date of the bill from July 1, 2011 to upon approval.

SECTION 9. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by renumbering the sections of the bill accordingly."

Representative M. Oshiro moved that Floor Amendment No. 8 be adopted, seconded by Representative M. Lee.

The motion that Floor Amendment No. 8, amending S.B. No. 120, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," be adopted, was put to vote by the Chair and carried. (Representatives Carroll and Pine were excused.)

At 9:38 o'clock a.m. the Chair noted that Floor Amendment No. 8, was adopted.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ching and carried, the rules were suspended for the purpose of considering certain House and Senate Bills for Final Reading by consent calendar. (Representatives Carroll and Pine were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 143 and H.B. No. 200, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 200, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in favor of House Bill 200, Conference Draft 1. Mr. Speaker, please allow me to begin by first thanking my Vice Chair, Representative Marilyn Lee. The ever gentle and demure 'Nurse Nightingale' whose patience, once tested and pushed, she becomes 'Nurse Ratched.' But truly, Mr. Speaker, she's the one that kept us on track, on schedule, and made sure that we spoke loudly and clearly into the microphone. Thank you very much, Marilyn.

"To the House Leadership, thank you for your unwavering support through these very difficult times. And of course, Mr. Speaker, you and your trust and confidence along the way. It has been humbling to me and your support has sustained me. A special thanks to the Vice Speaker, Majority Leader, Majority Floor Leader, and of course your aide, Mr. Speaker, Mr. Azama, for always being there. And, of course, the Committee Chairs. Your participation and counsel has been critical to setting our priorities.

"Finance Committee members, you too. You stood by, eager to assist in our efforts to craft a balanced budget. Your inquiries, input and ideas have added immensely to the success of our efforts. Please share your insights to our collaborative and open style with the larger community. I believe they'll be encouraged by what they know about how we work.

"And my counterpart in the Senate, Chair David Ige. Thank you. David, thank you very much for your kind and cool demeanor, as well as your willingness to remain open to ideas that led to provocative and productive discussions. You and I indeed share many common values, insights and aspirations. It has been my pleasure and privilege to work with you, Chair Ige, and I look forward to continuing the collaboration.

"I also extend my deepest gratitude to the Ways and Means staff for their hard work and dedication to producing a balanced budget. Like my staff, please take pride in knowing that you have served the people of Hawaii well through the long days and nights.

"And, Mr. Speaker, my final thanks go out to the Finance Committee staff who burned the midnight oil, and spent sleepless nights analyzing every aspect of every line item of every budget request over, and over, and over again. We did the same on every single bill: House Bill, Senate Bill, and even resolutions. I have been a severe taskmaster, I know, but you have all risen to the occasion and done me proud. Your endurance and diligence in crafting this budget have gotten us to where we are today. And so specifically I'd like to publically thank Nandana, Randall, Stacey, Puna, Alex, Erik, Tracy and Jo, and all the budget and research analysts, as well as the front office staff for standing by me through the challenges of this Session.

"To our new Governor, Neil Abercrombie. Thank you for setting a high goal for all of us. Not all of your ideas and your priorities made it into this budget and financial plan, but I thank you for taking on the leadership mantle of the Governor. I thank you and your cabinet, especially Director of Finance Kalbert Young, and Deputy Director Dean Hirata for the countless hours spent in consultation and collaboration. Kudos also go out to Directors Fuddy, Louie, McManaman, Takamine and Kokubun, for your timely response and availability.

"Governor Abercrombie, you came into office after all of the easy decisions had been made and federal stimulus support was evaporating. You were left with a government in tatters, workers demoralized, workers marginalized, and tasked them to do more and more, with less and less. You put forth an aggressive and controversial agenda for change, but you tackled our problems head on without flinching. You spoke the truth. At the end of the day, this budget and financial plan may not move the State as far as we wish."

Representative Ichiyama rose to yield her time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Representative Ichiyama. At the end of the day this budget and financial plan may not move the State as far ahead as you may wish, but it does provide the building blocks for long-term structural fixes to our budget and a promise of a brighter future. A sage political pundit named Boylan once told me many years ago, 'Political change is often achieved more through evolution than through revolution.' And the same holds true for changing government as we are all creatures of habit.

"But the fact of the matter is this, Mr. Speaker. That the ship of state of this great canoe has changed, and we are making the turn with all hands on board, facing forward, we are on a new course. And there is light at the

end of the tunnel. The long, dark tunnel that we have been travelling in for the past two years. There are brighter days ahead and this budget will get us there.

"Mr. Speaker, the budget is balanced; balanced on the books, balanced between our wants and our needs, and even balanced between hard choices of lesser evils. It wasn't easy. There was no pleasure. But we ensured the fiscal viability of our State. But this is the time, Mr. Speaker, when funding and resources are at their lowest, that we must put our minds together to reassess the very basic needs of government service. We must determine exactly what we want Hawaii to look like when we emerge from the effects of the Great Recession.

"Mr. Speaker, I trust and believe the Governor will reprioritize and retool State government, but we are all accountable. We must all do our part. We all need to work together to reconfigure and retool government services and programs to make sure we are not only living within our means, but also maximizing our resources. We need to reconfigure our perspectives and align them to come up with collaborative solutions.

"Mr. Speaker, in the Finance Conference Room hangs an old poster of mine, from my days at law school, and I believe it summarized the challenge before us. We cannot change unless we survive, and we cannot survive unless we change. Mr. Speaker, I know it can be done. I've seen it. I've felt it. I've lived it. And I've experienced it in a more collaborative relationship within the House and the Senate this past Session.

"As many of you know, we reconfigured the whole Conference Room. Instead of sitting across the table, we sat next to each other. It changed not only the dialogue and the discussion, but the symbolism of us working together on one side on one team. And both of us are fulfilling the important roles necessary for any human endeavor of sometimes leading, and sometimes following. We made decisions together. We come from different Chambers, perspectives, and viewpoints, and we brought those to the table. Where there was disagreement, we respectfully worked out a meaningful compromise to best serve the needs of Hawaii.

"Mr. Speaker, I'm proud of the work Chair Ige and I have done together. We made difficult choices. Considering the challenge we faced at the three years of budget shortfalls that total \$4.6 billion, could we have expected anything different? Let's think about that for a minute, Mr. Speaker. We, all of us, the entire State, our families, our friends, our neighbors, our relatives, our colleagues, our coworkers, we've had to find solutions to balance the budget to a total \$4.6 billion. To give an example of \$4.6 billion. All 76 legislators can buy 82,000 barrels of Kentucky Fried Chicken a day for a whole year. That's a lot of chicken for all of us. Honestly, it's hard to comprehend that number, but Mr. Speaker, we are almost out of it. It looks like we have finally gotten to the final stage of grief, and that is acceptance. We can move on now.

"Perhaps we can move on now. Perhaps that's what we all felt Friday night, exhausted, weary, getting through the pass. There is hope at the end of all of this. That's what this budget represents. We made structural fixes and invested in our future.

"In response to the exponential growth and demand for services, we have provided nearly \$550 million in new money to the Department of Human Services. Included in that amount is additional money for Medicaid, Temporary Assistance for Needy Families."

Representative Hashem rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you, Mr. Speaker. \$3 million for Preschool Open Doors. \$3 million for homeless services and outreach programs, and shelters on Maui, Waianae, and in Kona. The budget also includes close to \$45 million for Department of Health for adult mental health services, and child and adolescent health mental services; \$20 million for developmentally disabled intellectually challenged citizens; and \$4.3 million for early intervention programs for vulnerable infants and toddlers to give them a chance, a fair start in life.

"We further recognize an unprecedented increase in enrollment of about 35% at the community colleges, and nearly 20% at University of Hawaii at Hilo. Mr. Speaker, this budget provides \$6.6 million in each year to address the escalating needs of the University of Hawaii Hilo and Hawaii Community College.

"And finally, Mr. Speaker, this budget lays the foundation for long-term energy and economic development for our State to the energy security special fund. This budget funds positions critical to advancing the Department's efforts towards the goal of 70% clean energy by 2030. In addition, we created an Aerospace Division, Mr. Speaker, and provided nearly \$800,000 to the Creative Energies Division.

"In closing, Mr. Speaker, a little over a month ago I stood here and urged my colleagues to recognize the need for a reality check. Mr. Speaker, the reality is that we can make good things happen through openness, collaboration, and plain old fashion hard work by keeping our eyes on the prize, and keeping our nose to the grindstone. I've seen it happen. Mr. Speaker, I stand in strong support of this budget because it is evidence of what we can do together when we set aside our weaker natures, become our better statesmen and stateswomen, and speak truth to reason in the reality of limited dollars and cents. In essence, embedding our values and aspirations and hopes in this budget.

"Mr. Speaker, we're almost there. Landfall is near. I can see the breakers. I can see the shore. We have come through the stormy pass together. We have made the difficult choices, battled the leviathan of special interests, and overcome the counter currents of partisans tailwinds that ebb and flow with an ever changing mood. But we have kept the course, and we must all stay in the canoe and paddle. Paddle hard, paddle together, in unison. The Hawaiians have a proverb. The canoe moves forward when we all paddle together. *Lokahi. Holomua. Imua Hawai'i nei.* Let's get to work. Thank you, Mr. Speaker."

Representative Ward rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with some observations and some reservations. Mr. Speaker, I commend the Chair of Finance not only for his speech, but for the way he has commanded the ship, or if he's in the canoe, he's got his paddle, most of the time in the right direction. I have a few things that steered us left, right and center.

"Unfortunately the public is first going to look at the budget as, 'Hey, why did it grow?' Everything is tough. We've raised almost \$600 million worth of taxes. Why has the budget increased? And I know its nondiscretionary funds, but I think the obligation is that we explain to the public that these are automatic increases, but I think that's a point of vulnerability.

"I think the second thing is the commitment and the effort to balance almost \$4 billion over the last three years. No Legislature would ever desire as their marching orders to have to do that. So it's a tough time to be the Chair of the Finance Committee. It's a tough time to be in the Legislature; to know that your job is basically a slicer, or a tax raiser.

"Mr. Speaker, you know our side of the aisle said, 'Okay, let's slice, but let's not raise taxes.' I think the Chair has become a master at slicing and it's tough. People don't want to do that, but it has to be done. But it's where Mr. Speaker, I want to emphasize the other side, and that's the pie and the growth of it.

"We do not have a vision in this State to grow the pie. We've been able to cut it into smaller pieces, but we haven't been able to grow it. Case in point. The two opportunities that many of us had our hearts set on were the aerospace industry to be launched. There was no money even though it's got a new structure. There's no money to really get it off the ground, so to speak. Secondly, the movie studio industry. We're going to give tax credits to get them on Maui, to get them here on Oahu. That fell off the table, or got pushed off the table Friday night.

"So in terms of a vision, I think we have a deficit upon where we're going in terms of growing the pie, Mr. Speaker, and it's a very serious issue. Half of our kids in our public schools cannot afford to pay for lunch. 47% are either on a subsidized full or partial grant from the State. We need a business model that grows the pie. You know during hard times we've got to be a slicer and get everybody a smaller piece, but it's in that area that I would suggest, Mr. Speaker, we can do much better. And quite frankly, regardless of whether it's the Governor's budget, or the House's budget, or the Senate's budget, unless this economy turns around, we are in 'deep, deep kim chee.'

"So, Mr. Speaker, let's grow the pie. Let's do positive things for our economy. Let's remember the fiduciary Hippocratic Oath. Do no harm to Hawaii's families. Do no harm to Hawaii's jobs. And let's not stall the economy. And, Mr. Speaker, with \$600 million worth of new taxes, stalling the economy is a very big reality and that's what some of us fear, as a result of this Session that might be coming down the line. Having said that, Mr. Speaker, I know there's a way to right-size government, to put Hawaii back on track, to steer the canoe in the right direction, and that's for the pie of Hawaii to get bigger, to get us more prosperous. We've got the brains. We've got the culture. We've got the entrepreneurial ingenuity to do it. We can do it, but it needs the political will on this Floor. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, very much. First of all, Mr. Speaker, I stand in support, strong support of the budget. I would like the words of the good Chair of Finance entered into the record as if they were my own. However, I would like the words of the speaker from Hawaii Kai entered into the record as my own for history to show once and for all, for the record, because my lament is the same as his. We lost two multi-billion dollar potentials this year. We've managed to tackle the issues before us now, but the opportunities to grow the pie, unfortunately it needs to be noted for the record.

"But I stand in full support of this budget because this is a strong budget. It gets capital improvement projects going. It makes cuts to right-size government, but not at the expense of any one group or special program. So good job there, Chair of Finance. Aloha."

Representative M. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, this has been a year of unprecedented concern over the local and national economies and the efforts of government, both federal and local, to restore economic health. Within the last months and weeks the world has been rocked by events which will have an effect on our local economy, yet to be realized.

"First, there was the political turmoil in Egypt, Libya, Bahrain, and elsewhere. Then the tsunami which devastated parts of Japan. This event brought out the best in our Hawaii community. Group after group left their own worries aside to participate in a multitude of activities to help our Japanese friends, including Members of our House and especially Representative Tokioka. Next the whole world watched in wonder as a Prince and Princess lived out their dreams in a storybook wedding which brought tears to many of our eyes. Then after months of questions and persistent rumors, President Barack Obama, a native son, brought to rest questions about his place of birth by releasing his birth certificate with the signature of a well-known Hawaii physician documenting his birth at Kapiolani Hospital. And yesterday, unbelievably, a team of Navy SEALs conducted a successful raid upon the hiding place of Osama Bin Laden in Pakistan. Killing him and quickly burying his body at sea, thus bringing some closure to one of the most tragic events in the history of our country on September 11th; 10 years ago.

"Besides these events, our economic ills may seem small. But to the citizens of Hawaii struggling with the effects of a lengthy recession, what is happening here has a huge effect on everyday lives.

"Our Finance Committee has worked extremely hard dealing with the enormous deficit we faced, led by Chair Marcus Oshiro who never seems

to stop working and whose quest to master the intricacies of the budget is insatiable. The Finance staff helped our members understand the often puzzling numbers and were always patient, smiling and helpful. Thank you, Chair and Finance staff for your tremendous investment of time, energy and spirit. And thank you for your considerable sacrifice. The Finance Committee members mostly arrived on time and were an enthusiastic group, ready to learn, curious, and innovative in some cases. We're very fortunate to have the experience and expertise of Representatives Chong and Yamashita, and the career and life skills of Representative Choy. It has been quite a daunting experience to listen to the new department heads and staffs that are truly dedicated, yet labor under staff shortages, furlough days and budget cuts. Each Committee Chair in his own way struggled too, as advocates they realized the resources available to them were so limited.

"And so we vote on our budget. To quote Chair Oshiro, it is very, very, very tight. Each and every cut was considered carefully, and every Chair felt some sense of loss when coming to the realization that all is not the same as before. But as a Committee and a House, we can be very, very proud that in these difficult times we did not resort to raising the general excise tax; something that would have especially hurt the economy, business, the poor and the elderly. We can be proud that much of the safety-net survived and there is hope that a new day will come if we all do our part and are willing to sacrifice our personal priorities.

"Read the Committee Report. It is a model of thoughtful analysis and is a solid response to the serious fiscal crisis we face. In the long run, this budget will enable us to weather the storm and prevail in the future. I urge the Members' support. Thank you, Mr. Speaker."

Representative Tsuji rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Personally I don't envy the task for the Finance Chair, his Committee and also staff, and I thank you very much. With very limited revenue, and unlimited requests and needs, this Committee made some very hard decisions and, in particular, with agriculture, no matter how miniscule the piece of the pie was, they planted the seeds for agricultural sustainability in the future. With this in mind, I would like to ask that additional written comments be submitted into the Journal. Thank you, Mr. Speaker."

Representative Tsuji's written remarks are as follows:

"I do not envy the task that the Finance Chair and members had this Session. With very limited revenue and unlimited needs, this Committee made hard decisions and did not take it lightly.

"I am in support of this bill because it recognizes agriculture as an important component of Hawaii's economy. Last year, DOA had a 44% general fund reduction that resulted in the delay of services and discontinuation of several functions. Honolulu International Airport, which accounts for 95% of the statewide airport system, has only five to seven plant quarantine inspectors daily. This is a dangerous trend and it is estimated that about 90% percent of invasive species will avoid detection, and thus gain entry into Hawaii. The Conference Committees anticipate the lifting of the hiring freeze to fill the twenty-two plant quarantine inspector positions restored by the Legislature last year in the Plant, Pest and Disease Control program and fifteen additional positions throughout DOA determined to be essential to operations. As such, the bill's language shields DOA from reductions to enable adequate funding for these important positions.

"The Finance Committee also supports the efforts to reduce general fund costs in these challenging economic times by changing the means of financing for twelve positions from general funds to special funds. This alleviates the need to come back to the Legislature annually to seek money for those employees.

"The Finance Chair and Committee showed their dedication to promoting self-sufficiency, conserving resources, and preventing the introduction of invasive species in our State. I thank them and ask that HB 200 pass Final Reading today."

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, thank you very much. And Members of the House. First of all, of course, I want to thank the Chair of Finance for doing a wonderful job, and the Vice Chair and all the members. I know how difficult it is. I once served in that particular role. And this year especially, the third year or the third Session where we had to make cuts that were extremely difficult and he did his job. We have a balanced budget and I think for that we all owe the Committee, and the leadership, a debt of gratitude.

"However the concerns I have, and the caveats I have, are that with what has been done, the ship of state is not well. It continues to, if I can say, rock quite a bit. In the next few weeks there is going to be another Council on Revenues meeting. We expect the projection to be down. The Governor will have then a budget that probably will not be balanced at that time. Further adjustments will have to be made within the budget. This is the ship of state that we have. Do we want to continue with this situation in the years to come? I think it's a given that we don't have enough of an income stream coming into the State to support all of the programs that we have.

"This year we had an opportunity to have a movie industry here to provide additional funding, and through no fault of the House, that particular measure died. We also had a measure for gaming. A lot of people don't like gaming and that's your right, but it had the potential of providing an additional income stream. That has failed. We also had the opportunity to raise taxes, which no one wants. The majority of people don't want that. However it does provide an income stream given the fact there is no other type of income stream that's coming in to support the needed programs for the State of Hawaii.

"The quality of life is diminishing. The number of homeless is increasing. The enrollment of QUEST will be going down when the need should be going up, simply because of the lack of funds. There is over an \$800 million adjustment that was made just to balance the budget, and that includes cuts, lapses, etc., etc., and you know that is going to affect the people and the quality of life in the State of Hawaii.

"So Members, this is not to blame anyone. The Chair and the Leadership did what needed to be done and they balanced the budget courageously, and they've done a wonderful job. But I think we collectively in the future, we must be able to make the strong decisions if we want to maintain the quality of life that we have enjoyed all of these past years. Thank you, very much. Aloha."

Representative Cabanilla rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I just would like to acknowledge my gratitude to the Chair of Finance and the members of the Committee. This Session, there were a lot of needs that needed to be addressed that really don't get a lot of support from the public. But through their vision of the overall needs of the State they were able to fund appropriate needs for the homeless, such as the health van services for the Big Island, as well as outreach services for the homeless and funding more and creating more homeless shelters.

"One of the basic needs of these people, as well as those who are not homeless, is affordable rentals and affordable housing. And in this bill that we're passing today, there are items which the Finance Committee approved that will give flexibility and creative means for private-public partnerships to use federal funds and also tax credits, so private companies can join us in creating more affordable rentals. The Public Housing Authority has also been afforded flexibility to create, build, and maintain new public housing units for our people. And for that I'm thankful for the Committee, and your support, Mr. Speaker, as well as to all the Members. Thank you."

Representative Yamashita rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I rise in support of House Bill 200, Conference Draft 1. Thank you. Specifically I'd like to speak on the

Capital Improvement Projects budget. At the outset, Mr. Speaker, I'd like to thank you, the Chair of the Committee on Finance, and my fellow colleagues for the opportunity to negotiate on behalf of the House on this portion of the budget. Also I'd like to thank our House CIP Specialist, Erik Abe, for his many hours of hard work and working on behalf of all of us. And of course, my staff, Lois, Kristen, Tannya, and Eddie.

"Over the past four months there have been many challenges and difficulties, but in the end, what is incorporated in House Bill 200, Conference Draft 1, is responsible and responsive to the immediate needs of our people.

"House Bill 200, Conference Draft 1, provides appropriations of capital improvement projects in the amount of \$2,858,762,000 for the biennium by all means of financing. Of that, \$1.477 billion is recommended for General Obligation Bonds and GOR Bonds.

"The impact of the new bond issuances was of primary concern, especially in light of the refinancing of General Obligation Bonds in 2009, which resulted in a dramatic increase in debt service payments beginning in fiscal year '15 and '16. While we continue to invest in infrastructure and facilities vital for the short-term economic growth and job creation, creating too much debt load on our State will stymie our economic viability and drain precious revenues needed for essential programs and services.

"Further compounding the problem was word from the Administration that the clerical error in the accounting of General Obligation Bond authorizations for the State Education Facilities Improvement Special Fund, the SEFI Fund, an additional \$390,000,000 would be needed to be appropriated for Fiscal Year 2011-2012 to ensure that sufficient resources would be available to cover contractual obligations currently encumbered.

"While I understand from an accounting and legal perspective that the amount of General Obligation Bonds authorized and issued must equal the amount of SEFI funds appropriated and expended, the current problem that the \$390 million is intended to fix is a manifestation of a larger, systemic problem with the SEFI's financing mechanism which requires further evaluation and deliberation.

"Because of the sheer number of educational projects funded over the years, and each having encumbered varying portions of the amounts authorized at any given time, it was and continues to be a monumental task for the Department of Budget and Finance to ascertain an exact amount needed for the re-appropriation for the fiscal year. While numerous inquiries were made by this House to the Department of Budget and Finance for an accounting of the specific SEFI Fund appropriations needed to be covered by the appropriation of general obligation bonds, with each inquiry, the House received a different answer. By the time we needed to put this budget together, we received what amounted to, "a best guess" from B&F at what this amount should be -- \$440 million.

"Because we received word of this \$50 million more than what was "officially" requested by the Administration in a Governor's Message just three days before the Final Decking Deadline, there was no way to incorporate this new appropriation into the budget. However, the Department of Budget and Finance did receive word from their bond counsel that any discrepancy in the total amount would not, Mr. Speaker, I repeat, would not jeopardize any bond rating or the ability for the State to issue bonds in the future in any way.

"Mr. Speaker, in my view, this budget shows the Legislature's good faith effort to work with the Administration to fix the problem and to ensure that our credit rating and ability to issue bonds in the future was not hindered.

"All GO and GOR Bond-funded projects were prioritized. Those deemed essential for health, safety, and identified as "shovel-ready" for immediate implementation were included in the budget. It was felt that these projects would fulfill a dual function of protecting the public welfare."

Representative Awana rose to yield her time, and the Chair "so ordered."

Representative Yamashita continued, stating:

"Thank you, Representative. It would fulfill a dual function by protecting public welfare while providing instantaneous stimulus to our economy.

"The largest areas funded by the budget by all means of financing included:

- (1) \$816,166,000 for the Department of Transportation for airports, highways, and harbors;
- (2) \$328 million for the Department of Education, charter schools, and public libraries;
- (3) \$174 million for the University of Hawaii System; and
- (4) \$149 million for the Department of Health, Hawaii Health Systems Corporation.

"In addition, \$7.8 million was appropriated for the repair and reconstruction of infrastructure damaged by the tsunami that struck our State on March 11, 2011.

"Lastly, Mr. Speaker, in recognition of the various community public service-oriented organizations that have not been able to maintain their fiscal infrastructure because of the economic downturn, your Committee also recommended \$20,000,000 in CIP grants-in-aid to assist them.

"Mr. Speaker, it was my privilege and honor to serve you this Session and I respectfully urge my colleagues to support this budget. And, Mr. Speaker, may I also be allowed to insert additional remarks into the Journal. Thank you."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, may it please this Body, to clarify, it is the intention of your Committee on Conference that for the appropriation of general obligation bonds for fiscal year 2010-2011 of \$16,500,000 for Program ID AGS221 (LUMP SUM MAINTENANCE OF EXISTING FACILITIES, PUBLIC WORKS DIVISION, STATEWIDE), the sum of \$8,000,000 be used for construction to reroof and reseal the State Capitol Building.

"Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support. I would like to be brief. I just would like the words, the very long words of the previous speaker. I never heard him speak that long before in my life, so may they be inserted as my own," and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with a few reservations. Mr. Speaker, I very much appreciate the many hours that the Finance Committee put into our State budget, and the leadership of the Finance Chair and of the staff because it cannot be said enough that not only do they put in their valuable time, but this has been an exceptionally, as the Vice Chair said, difficult year.

"But I have to agree with the words of the Minority Leader, and I ask that they be entered as my own. And also Speaker Emeritus with the exception, and the deletion of the comments regarding gambling. Thank you.

"My concern has been that while it has been a very difficult year, the hope is that there are guiding principles that guide the State budget, that guide where we want to go and not just to tread water and take care of the chaos that surrounds us. The guiding principles of making sure that as it was said by the Finance Chair, that we invest in what we want Hawaii to look like in the future.

"So with the difficulty we have not taken care of aerospace, and film, but we have also not taken care of some of those bills that would have enhanced our unique assets as a State. Our assets that are our strengths.

"And so I'll end with just a quote here from the Blue Planet Foundation.

As the unchecked rise of oil prices continues to batter our State's economy, the Blue Planet Foundation is frustrated that few transformative energy policies advanced at the Legislature this Session and in particular, we are disappointed at the failure to pass critical clean energy measures.

"And they go on to describe those. So it's my hope while we are in what appears to be a survival mode, that yet as Speaker Emeritus did mention, we never forget the guiding principles, the assets, the unique assets of Hawaii and push for those as well. Thank you, Mr. Speaker."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, I'd like to ask that the words of the Finance Chair, the Vice Chair, and the Chair of Health be inserted as if they were my own. And I'd also like to thank the Finance staff. I'm not sure if they're still here, but the staff of Finance and all of the members of the Finance Committee, and especially the freshmen members of the Finance Committee, Mr. Speaker.

"The last thing I'd like to close with is for the last three Sessions we've talked about the 'low hanging fruit' and picking all the low hanging fruit. This Session, with the leadership of Chair Oshiro, we've cut down branches, Mr. Speaker. They were very tough decisions. I'm proud of the work that we've done, and I appreciate the guidance. Mahalo."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have some reservations dealing with charter schools and their desire to seek equality. Thank you, very much."

Representative Kawakami rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, Members of the House, as the newest Member of this Body, I have to say that I have been so impressed by how we have all handled the deepening concerns around the budget. Although we are facing tough times ahead, I believe that we should, as a Body, stand united and be proud in the fact that we came to this place, observed what was going on around us, and did what we could to conserve the State's resources, while preserving core services and minimizing the impact of some very difficult decisions on the community."

Representative Ward rose to respond, stating:

"Mr. Speaker, just to add a couple of comments inspired by the Vice Chair of Finance. She reminded us that there's no GE Tax. That's a great victory for this budget, for all of the budgets except for those in another chamber that wanted it otherwise. But also I think conspicuously absent in her celebration of the victory was that there's no pension tax in here, Mr. Speaker. That's a victory for this. We did not have to tax our seniors.

"The reality and the wakeup call, however, I should also note came from Speaker Emeritus from Maui. He reminds us that we're in trouble, not only as a State, but as a nation. 40% of the budget that sits in Washington is borrowed money, Mr. Speaker. That is not viable. You're a businessman. You know you cannot borrow for very long, that much and sustain yourself. We need a new model. We need to grow jobs. And we need to grow the pie.

"I'll probably be complaining more later when we get to all of the opportunities for green jobs with photovoltaic and solar on every roof. And instead of really going big time on that, we're having studies, and we're

contemplating our navel about the power of the sun rather than actually harnessing it. Mr. Speaker, we've got to have a resolve, and I think that's the wakeup call from Speaker Joe.

"We've got to wakeup. On May 22nd. How many days away is that? Today's May 3rd. In 19 days, reality hits the fan again. Everybody said we're going to go down again. If you look at where we were in December in terms of the forecast, we were at 0.3 growth. Then on March 10th, it went down to 0.5. And on March 22nd, in a special March 29 prognosis, minus 1.6.

"So if we go again on May 22nd, Mr. Speaker, the probability is very strong we're going to go down, and that's why we've got to think of not just slicing and cutting, but growing and using our assets, and our strength. We've got sun. We've got entrepreneurial people. We've got to think about growing the economy to create jobs that create a good-paying future for our families. So I think it's prescient what the Representative from Maui has said and has warned us. Wake up, House, Senate, Governor. May 22nd. Thank you."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, just in support and a quick rebuttal. I just would say that we probably don't need a new model. We need to return to an old model we had during the Clinton Administration. We had both booming economic growth and we had somewhat higher taxes. But we had surpluses at the federal level for as far as the eye could see. It was a conscious choice on the part of Congress and the Bush Administration to undo what was a very successful fiscal policy and head us in the direction of gigantic debt. So I would say that we don't need a new mode. We need to look to the past for successful models, as opposed to trying something completely different. Mahalo."

Representative Marumoto rose to respond, stating:

"Mr. Speaker, I would not blame all the ills on a national Republican Administration. I am rising in favor of this bill and I did not mention that I wanted my remarks submitted for the Journal. Before closing, I'd like to thank the Chairman and Vice Chairman of the Finance Committee. They had a very, very difficult job. The members of the Minority did try to help in our own ways. We had our differences, but we were very supportive. Thank you."

Representative Marumoto's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on HB 200, the Executive Budget bill. There are many items one can address when discussing the budget, but I would like to bring up just one: charter schools and how this budget affects them.

"Charter schools have offered a popular alternative public education for Hawaii's *keiki*. Since the 2003-04 school year, charter school enrollment has grown from 4,317 students to an enrollment of 9,026 students for the 2010-2011 school year, an increase of 52%.

"The oldest one is in the 19th House District – Waialae Charter School on 19th Avenue in Kaimuki, and I have watched this parent-driven school successfully educate a generation of youngsters with innovative teaching methods.

"Unfortunately charter school funding has not kept up with this growth and has even gone in the reverse. In the 2007-08 school year, per-pupil funding for charter school students peaked at about \$8.6 thousand per student. This school year the per-pupil funding is just around \$5.6 thousand per student. That is a decrease of 35% in just three school years. Charter funding has never equaled that of regular public schools.

"I recognize that our budget situation necessitates cutbacks, but is this fair? This budget does little to correct this inequity. This budget increases charter school per pupil spending to a mere \$6,000 per student. That amount is nowhere near what it was in the 2007-08 school year, and is \$100 less per student than what was in the Administration's December submittal and approved in the HD1 version of the budget.

"Mr. Speaker, we need to show more support for our charter schools. They are *public* schools, and they deserve our help. Last year, throughout all of the Furlough Friday controversy and despite their steep budget cuts, 17 of the State's 31 charter schools took *no* furlough days, with another 9 taking some, but not all of the furlough days available to them. These schools took advantage of the freedom, flexibility and innovation granted them to benefit their students.

"Compared to regular schools, charters have had to operate with less staff and defer building maintenance or capital building projects. Some schools even cut faculty to get through the school year. If this were to continue, many charters would be forced to turn away students or close their doors.

"Moreover, there is no denying the popularity of these schools. Last year, it was reported that Hawaii's charter schools have a wait list of more than 2,800 students. Parents and students recognize that charters offer them an opportunity to attend a school that best fits their children's education needs.

"I recognize the current sad budget situation. But, looking to a brighter future, we must pledge to give these schools more support. We must grant them equity."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 200, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 10:21 o'clock a.m., the Chair noted that the following bill passed Final Reading:

H.B. No. 200, HD 1, SD 1, CD 1

At 10:22 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:50 o'clock a.m. with Vice Speaker Manahan presiding.

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Evans introduced Mr. James Pinheiro, Deputy District Director for Traffic Operations and Maintenance for the California Department of Transportation for Orange County. With him were his wife, Mrs. Carol Pinheiro; sister-in-law, Mrs. Cheryl Pinheiro; and Ms. Pamela Gorniak.

At 10:52 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:52 o'clock a.m.

At this time, the Chair recognized the Clerk who announced:

"I have been informed by a representative of the President of the Senate that the Conference Committee Report for H.B. No. 200, HD 1, SD 1, CD 1, was adopted, and that H.B. No. 200, HD 1, SD 1, CD 1, Relating to the State Budget, passed Final Reading in the Senate at 10:39 a.m. this day.

"In addition, I have been informed by the Assistant Clerk of the House that at 10:43 a.m. this day, House Bill No. 200, HD 1, SD 1, CD 1, has been duly transmitted by the Legislature to the Governor, pursuant to Article VII, Section 9 of the Hawaii State Constitution."

CONSENT CALENDAR**UNFINISHED BUSINESS**

At this time the Chair announced:

"Members, there will be no discussion as these are items agreed to by this Body for placement on the Consent Calendar."

Conf. Com. Rep. No. 2 and S.B. No. 172, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 172, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 3 and S.B. No. 1483, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1483, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," passed Final Reading by a vote of 48 ayes to 1 no, with Representative McKelvey voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 4 and S.B. No. 45, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 45, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 5 and S.B. No. 283, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 6 and S.B. No. 1278, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1278, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 10 and S.B. No. 101, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 101, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 11 and S.B. No. 105, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 14 and S.B. No. 44, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 44, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

PUBLIC SAFETY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 15 and S.B. No. 758, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 758, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 16 and S.B. No. 1277, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1277, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 17 and S.B. No. 142, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 142, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker. This is a Bill for an Act Relating to Dams and Reservoirs which the purpose of is to protect Hawai'i water resources by establishing safeguards and mechanisms to preserve and maintain the State's dams and reservoirs. This bill was not referred to the Committee of Hawaiian Affairs, which is tasked to examine water issues in the State of Hawaii."

Representative Nakashima's written remarks are as follows:

"The former plantation irrigations systems that once supported a thriving sugar industry were crucial to the success of sugar in Hawaii. This same infrastructure continues to serve as a foundation for a new generation of farmers and ranchers in Hawaii and continues to support Hawaiian agriculture. Rules adopted by the Department of Land and Natural Resources following the Koloko Dam failure on Kauai have set high standards in the name of safety that may threaten the continued viability of these historic water systems, rendering them impotent.

"This legislation which we adopt today would require the Board of Land and Natural Resources to consider dams and reservoirs as important water resources for the State and acknowledge the need to maintain and operate them in a safe and feasible manner in the context of an important agricultural industry in Hawaii."

Representative Tsuji's written remarks are as follows:

"This bill protects Hawaii's water resources by establishing safeguards and mechanisms to preserve and maintain the State's dams and reservoirs.

"It specifically directs the BLNR to consider dams and reservoirs to be vital water resources for the State. It will also enable the BLNR to better understand and more strongly consider the importance of dams and reservoirs to the State in connection with the administration of the dam and reservoir safety program in DLNR.

"Agriculture is critical to Hawaii's food security and sustainability. Agriculture ventures need water. Our State is currently experiencing drought, and water storage facilities are essential infrastructure components to irrigation systems and safeguard against below average rainfall."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support to SB142 SD1, HD1, CD1, which requires the Board of Land and Natural Resources to consider dams and reservoirs as important water resources and acknowledge the need to maintain and operate them in a safe and feasible manner.

"Hawaii's dams and reservoirs serve not only our agricultural community, but our energy industry through the offer of hydropower, and our residential communities by supplying our drinking water. The effects of maintaining our dams and reservoirs have far-reaching positive effects to the people of Hawaii and this bill establishes a means by which to preserve them as integral resources for our State's wellbeing."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 142, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 19 and S.B. No. 1213, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1213, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 23 and S.B. No. 1503, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1503, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 25 and S.B. No. 40, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 40, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 30 and S.B. No. 217, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 217, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. We need to protect Hawaii's children.

"There are untold numbers of hidden child predators who are preying on one child after another, because the statutes of limitations have been configured to give them that opportunity. This is a sunshine law for children and if passed, it will put Hawaii in the forefront of child protection.

"At least one in four girls is sexually abused, and at least one in five boys. Sadly, 90% never go to the authorities and the vast majority of claims expire before the victims are capable of getting to court. Most wrongdoings are done at the hands of family or family acquaintances. This bill would protect the children of Hawaii by making it possible for victims to come forward and identify their perpetrators in a court of law. It is justice for our victims.

"There are three compelling public purposes served by window legislation:

- (1) The identification of previously unknown child predators to the public so children will not be abused in the future;
- (2) Giving child sex abuse survivors a day in court; and

- (3) Remedying the wrong done to child sex abuse survivors caused by an overly short statute of limitations that placed predators and their enablers in a preferred position to the victims.

"Statute of limitations reform is the one tried and true means that will identify the many hidden child predators, who are grooming other children as we speak. The "window" in California led to the public identification of over 300 perpetrators previously unidentified. Delaware also enacted a window, which has led to the public identification of dozens of perpetrators previously hidden.

"A number of improvements have been incorporated into this measure including pieces of Delaware and California law. Please do not let this bill slip away for the children of Hawaii. I urge the Members' support."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 217, S.D. 2, H.D. 2, C.D. 1, which expands the ability of sex abuse victims to seek civil claims and damages for abuse that occurred during childhood. The bill revives for a two year period claims that were barred by the expiration of the former statute of limitations and eliminates the statute of limitations for any new acts of childhood sexual abuse. Persons who commit or have committed acts of childhood sexual abuse will be held accountable for their actions. As well, any legal entity that owes or owed a duty of care to the victim or exercise or exercised responsibility over the person who committed the act will be subject to liability.

"Incorporated into the bill are certain safeguards, including the requirement of a certificate of merit documenting a third party's professional conclusion that there is a reasonable basis to believe that the sexual abuse occurred. This bill will help to bring justice for past victims and protect children from sexual abuse in the future. I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 217, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 32 and S.B. No. 1025, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1025, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of the measure. This bill would make an assault on a firefighter or water safety officer while they are performing their important duties, a felony. Mr. Speaker, this is needed to ensure that those who are keeping us safe from harm and danger can carry out their work without undue interference and harm upon themselves. This is a bill that our counties needed.

"Another part of the bill would also classify a felony offense for an individual who unlawfully enters a home where there are seniors, developmentally challenged, or incapacitated individuals. This is also sorely needed in our communities and neighborhoods, Mr. Speaker. Home invasions - especially on those who I have mentioned - can be a traumatic experience. The tougher punishment of a Class B felony seeks to protect our most vulnerable in our communities from those who prey on them. For those reasons Mr. Speaker, I strongly support this measure. Thank you."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 1025 SD1 HD1 CD1, which adds the assault of firefighters and water safety officers to the offense of assault in the second degree and creates a Class B felony for unauthorized entry in a dwelling based on occupant's age and incapacity. Firefighters and water safety officers are public safety employees who are responders to a number

of dangerous and rescue situations and are responsible to protect and render aid. Unfortunately, there have been incidents when individuals have used physical violence against these employees during the performance of their official duties. We need to provide the safety net for our firefighters and water safety officers and display their importance through the protection of this law by the consequence that may follow for those who may commit those unlawful acts.

"This measure also, includes a Class B felony for any unauthorized entry by any person that is not invited into a dwelling that is inhabited by someone who is sixty-two years of age or older, incapacitated, or/and has a developmental disability. It serves as a protection for lawful dwellers that are unable to defend themselves. This sends a message to the criminals that we care for our *kupuna* and if you want to do the crime than you will have to pay the consequences. Thank you, Mr. Speaker."

Representative Johanson's written remarks are as follows:

"I rise in support of SB 1025, Mr. Speaker. I am truly glad that through this measure, we are giving additional protection to our firefighters and water safety officers, who protect us and our community on a daily basis. Mr. Speaker, I am also very supportive of creating a Class B felony for criminals who prey on our seniors in their homes. We need to take greater care of our seniors and this measure creates greater levels of protection for the elderly and those who are most vulnerable."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of this bill which will protect firefighters and water safety officers from unnecessary harm from members of the public. Also, this bill will establish a new offense of unauthorized entry in a dwelling in the first degree, as a Class B felony, for intrusions into dwellings in which vulnerable individuals are present.

"Being a victim of a home invasion is very traumatic, and more so for the elderly and disabled individuals. Thus, this bill will reflect a stronger punishment against the perpetrators.

"Firefighters and water safety officers respond to many rescue incidents and are exposed to individuals who may use physical violence against them. This bill will provide protection in case such an event occurs."

Representative Choy's written remarks are as follows:

"Mr. Speaker, I rise in support of SB1025 SD1, HD1, CD1. This bill enhances penalties for those who assault life guards and firefighters, and also protects our senior and disabled population from home invasions.

"My speech focuses on the second part of the bill that will increase unlawful entry into a dwelling from a Class C felony to a Class B felony for those who enter a dwelling of another and there is person who is a senior or disabled individual in the dwelling when the unlawful entry occurs.

"Mr. Speaker, I fortunately have two older dogs, Maile and Tanner. Whenever a stranger comes into my driveway, my dogs alert me. Because they are getting older and probably losing some of the hearing, I even installed cameras outside my house.

"Some homes do not have dogs. One of my constituents, a senior citizen, was watching tv while someone invaded his home. From what his children told me, due to Alzheimer's disease, he was unaware of the break-in and the rummaging through his home. Lucky for him, he did not notice the intrusion. In another case, also involving a senior constituent, the man was beaten by the intruder.

"I am happy that the Conference Committee decided to make this crime a strict liability crime. In other words, if you enter into another's dwelling, you have just committed a felony if someone happens to be lawfully in the dwelling.

"With increased use in drugs, especially crystal methamphetamine, and I would like to also add even perhaps our economic situation, home break-

ins seem to be increasing. Everyone should not live in fear of someone breaking into their homes. I hope this gives a strong tool to our prosecutors to stop criminals before they can do real harm.

"This bill should send a message to criminals that if they want to break into someone's home, they better knock first before entering because once they enter unlawfully and someone else is inside, tough luck! Thank you, Mr. Speaker."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker and Members of the House. As the past President of the Hawai'i State Association of the Counties, and the one who first requested that this measure be introduced as part of its original legislative package, which was subsequently introduced this Session by both Speaker Say and Senate President Tsutsui, it is an honor to be able to see this piece of legislation move through the legislative process and be able to come here and actually shepherd this bill through its final passage. This measure is extremely important to the counties and the State as it protects those who are in charge of protecting us. I am so grateful for the support of my colleagues in both House and Senate in getting this measure passed."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1025, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 33 and S.B. No. 1067, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1067, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 34 and S.B. No. 285, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 285, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 36 and S.B. No. 806, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 806, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 38 and S.B. No. 1290, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1290, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 39 and S.B. No. 1331, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1331, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 1331, S.D. 2, H.D. 2, C.D. 1, which requires the University of Hawaii to report on certain special and revolving funds for a five year period. The bill's reporting requirements are reasonably limited to those funds with an unencumbered cash balance

of \$1,000,000 or more, or a cash deficit of \$1,000,000 or more at the end of the previous fiscal year, where the balance is greater than twenty-five percent of the previous fiscal year's expenditures. This bill will provide increased transparency and greater accountability of funds appropriated to the University of Hawaii.

"I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1331, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 42 and S.B. No. 742, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 742, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I am in support of Senate Bill 742. This measure allows the State Fire Council to hire two positions: an administrator and an assistant. These positions allow the Council to carry out their statutory duties and to implement the reduced ignition propensity cigarette program which would be established in another measure.

"Currently, there is one part-time assistant who is carrying the water, Mr. Speaker. Should this bill pass, this would greatly help the Council fulfill its responsibility to provide public safety and health throughout our communities statewide. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 742, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 43 and S.B. No. 1383, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1383, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. For the past ten years, Hawaii 3R's has successfully put a dent in the public school repair and maintenance backlog by providing proactive schools with a way to complete needed repair and maintenance projects outside of the normal DOE process.

"Additionally, Hawaii 3R's provides community-minded businesses and organizations with a means to give back to the public schools across the state through donations and volunteerism.

"Another reason that I support Hawaii 3R's endeavors is that they have built a partnership with the Joint Venture Education Forum (JVEF), a partnership between the Department of Education and the United States Pacific Command.

"This relationship benefits not only military-impacted or military-partnered schools, but all of Hawaii's public schools through increased military partnerships. Through funding from JVEF, Hawaii 3R's can provide grants to over 100 military-impacted, dependent, or partnered schools.

"The level of support that the community has given to Hawaii 3R's and, more importantly, to the public schools is extremely encouraging.

"Skilled and unskilled volunteer labor from private businesses, the military, civic clubs, churches, teachers, parents, and students, combined

with donations from community businesses and foundations, have all contributed to the success of Hawaii 3R's.

"I believe that it is necessary to continue to provide resources to support Hawaii 3R's. They have proven their commitment to improving the condition of public school facilities and promoting community involvement. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1383, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 44 and S.B. No. 2, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support for SB 2. This requires the Department of Land and Natural Resources to initiate and coordinate all efforts to establish a public lands information system. This public lands information system is long overdue and will assist decision makers in making crucial decisions in the usage of public lands. *He ali'i ka 'āina, he kauwa ke kanaka* (The land is chief, man is servant)."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 50 and S.B. No. 34, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 34, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support SB 34, S.D. 1, H.D. 1, C.D. 1, which makes necessary improvements to the procedures for small claims heard in the Tax Appeal Court. In particular, the bill prohibits pretrial discovery without the Tax Appeal Court's prior written approval, limits costs and fees that may be awarded to the prevailing party to fees paid directly to the Tax Appeal Court, and requires that appeals of decisions where a county is a party be served on the relevant county's Real Property Assessment Division.

"The existing procedures frustrate the purpose of the State's small claims tax appeal process and the costs of appeal can far exceed the amount of the dispute. This bill represents a balanced approach to the procedures for small claims before the Tax Appeal Court. I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 34, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 51 and H.B. No. 1094, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1094, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 52 and H.B. No. 1241, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1241, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 53 and H.B. No. 555, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 555, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of House Bill 555. Mr. Speaker, this bill seeks to update and strengthen last session's graffiti bill. Some of the notable amendments include:

- Increasing the distance to remove graffiti through community service from one hundred yards to two hundred fifty yards of the original offense;
- Graffiti removal should not place the convicted person in danger and does not cause any public inconvenience; and
- In lieu of graffiti removal, the convicted person may serve up to one hundred hours of community service.

"Mr. Speaker, this bill allows some flexibility options for our court judges to sentence convicted persons. I truly believe this will help to better and beautify our communities while still providing stiff punishment for those who break the law. Thank you, Mr. Speaker."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of HB 555. I think this measure is an important part of the restitution process. Graffiti is a significant problem in my community as I know it is in many of my colleagues' communities as well. Graffiti can often be the precursor to further, more serious crime. Thus, we need to combat it early on for the good of our community. I believe this measure restores the community damaged by graffiti and holds the perpetrator accountable for their actions in a responsible, effective way that benefits all."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 555, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 54 and H.B. No. 866, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 866, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Tsuji's written remarks are as follows:

"Mr. Speaker I am in support of HB 866. Colleagues, this bill will help address the many challenges faced by Hawaii's apiary industry by allowing beekeepers to register with the Department of Agriculture (DOA).

"When this measure was first introduced, there was appropriation language. However, in Conference Committee that was deleted while retaining the provisions establishing the apiary program. DOA officials were consulted and they are agreeable to the CD1, as the Department is eager to begin the program.

"The devastating discovery of the Varroa mite on Oahu in 2007, and on the Big Island in 2008, indicates a need to improve the Department of Agriculture's ability to quickly respond and control further spread.

"Mr. Speaker, your Committee on Agriculture took great interest in earlier testimony stating that, "The lack of registration extremely hindered the initial responses to Varroa mite detections on Oahu in 2007, and on Hawaii Island in 2008. While beekeeping associations existed on these islands, precise knowledge of where beekeepers located hives in relation to first detection would have allowed the Department to develop better strategies to respond to Varroa mite incursions with careful consideration of the potential impacts on beekeepers."

"HB 866 is a good first step to address any new invasions, whether it is Varroa mite, small hive beetle or new pests or diseases to Hawaii. Beekeeping registration provides the DOA with a more effective mechanism for rapid response in times of need. I ask my colleagues to join me in support of this bill."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support HB 866, H.D. 2, S.D. 2, C.D. 1, which allows beekeepers to register with the Department of Agriculture so that the State may better address the challenges faced by the apiary industry in Hawaii. The State does not currently compile statistics on this industry and will benefit from beekeepers' data on apiary activity to develop statistical information. Information provided to the Department as part of this optional registration will be protected and kept confidential pursuant to chapter 92F, Hawaii Revised Statutes, though the name and business address of registrants will be made public. The bill also establishes an apiary program within the Department and requires it to report to the legislature on the effectiveness of beekeeper registration in keeping accurate statistics on the industry.

"The recent losses of Hawaii's bee colonies threaten honey production and agricultural production and the Department was limited in its ability to respond and support the apiary industry because it did not know the exact location of hives and the affected numbers of bees and colonies. This bill will allow the Department to take proactive steps to support beekeeping as registration will allow it to identify and locate beekeepers, survey beekeepers to determine if any new pests or diseases have been introduced to Hawaii's bee colonies, and provide services such as pest and disease diagnostics. By ensuring that Hawaii's beekeeping industry remains strong and vibrant we move closer to a sustainable Hawaii.

"I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 866, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 56 and H.B. No. 663, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 663, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of HB 663, a measure which provides consumers the benefit of greater transparency regarding renewal clauses in consumer contracts, and provides clarity to cancellation procedures for such contracts.

"Automatic renewal presents an unwanted burden to many consumers, who too often do not realize, upon entering into a contract, that such a provision even exists. It is only after being charged multiple times, sometimes without realizing it, that many consumers become aware that they are still paying for a service they no longer use. To compound the harm done, cancellation procedures for such contracts are often complicated and frustrating for the consumer. HB 663 HD2, SD2, CD1 allows for clarity and a greater level of simplicity and fairness for consumer contracts."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 663, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 58 and H.B. No. 931, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 931, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker. This bill concerns small boat harbors in the State of Hawai'i and there was no referral to Committee of Hawaiian Affairs. Small boat harbors are on public lands and the Committee on Hawaiian Affairs is tasked to examine public lands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 931, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Jordan voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 59 and H.B. No. 227, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 227, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Nakashima's written remarks are as follows:

"Agricultural theft threatens the viability of our sustainable agriculture industry where profit margins are already razor thin, and farmers and ranchers toil long hours to make ends meet.

"In order to provide relief for Hawaii's farmers, this bill makes entering or remaining unlawfully on unimproved or unused agricultural lands without permission an offense of criminal trespass in the second degree if the lands are fenced, enclosed, or secured, or a sign is displayed. The bill would also establish a limited liability for agricultural land owners for any injury, death, loss, or damage suffered by a trespasser."

Representative Tsuji's written remarks are as follows:

"I am in support of this bill as it would help protect owners of unimproved and unused land by, among other things, making entering or remaining unlawfully on unimproved or unused agricultural lands without permission the offense of criminal trespass in the second degree if the lands are fenced, enclosed, or secured, or if a sign that meets certain criteria is displayed to provide notice. The bill also adds definitions for "agricultural land", "fallow", "owner", "trespasser", and "unimproved or unused lands".

"Testimony throughout this Session affirmed the merit of this bill as it sets the penalty for those who have long been exposed to liability resulting from injury or death of persons who commit the offense of criminal trespass onto the property

"By creating these definitions, owners and occupants of unimproved/unused land (including agricultural land which is fallow or has a visible presence of livestock or a crop) are now legally protected, and thus I am in support of HB227."

Representative Keith-Agaran's written remarks are as follows:

"Mr. Speaker. This measure provides owners and tenants of unimproved or agricultural lands with new legal remedies in the event of unauthorized entry to their lands.

"I introduced this bill as a vehicle to address a long-standing anomaly in our criminal trespass statute which hindered its effective use to combat agricultural theft and trespassing on our range and farmlands. The Hawaii criminal trespass statute included an unrealistic requirement for the landowner or occupier of "unimproved" range lands to provide actual notice to the trespasser that the trespasser – for example, perhaps an armed poacher – was encroaching on private land. This measure adds a new subsection to the Penal Code allowing for criminal prosecution for unlawful entry onto unimproved lands as criminal trespass in the second degree. By carefully defining "unimproved or unused land" and also requiring fencing or signage, it is my hope that this new prosecutorial tool will only be used in the cases involving egregious willful intruders.

"I believe that the changes to the criminal law provisions in Hawaii Revised Statutes sections 708-800 and 708-814 better reflects the reality for ranchers and farmers in managing large tracts of open, sometimes fallow, acreage. The amendments hopefully will alleviate some of the frustration suffered by ranchers in dealing with poachers and other trespassers, and provides a better tool for police and other law enforcement officials to implement this law.

"I do have some reservations with the language added to the bill that carves out changes to Hawaii's civil liability law. Approximately 40 years ago, the Hawaii Supreme Court ruled that all landowners have "a duty to exercise reasonable care for the safety of all persons reasonably anticipated to be upon the premises," regardless of their legal status. Section 3 of this measure, establishes a new statutory limitation on the liability of agricultural landowners to trespassers, and therefore represents a different approach to the issue. I am encouraged, however, that this section of the measure applies only to agricultural land that is in excess of four acres, and is fenced or has clear signage to exclude the general public. Therefore it is my hope that this new limitation on landowner liability will not come to be utilized in the case of persons who innocently wander onto land that is not actively used for agriculture."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 227, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 62 and H.B. No. 1088, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1088, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 63 and H.B. No. 1049, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1049, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 64 and H.B. No. 909, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 909, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 65 and H.B. No. 1005, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1005, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 66 and H.B. No. 56, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 56, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 56. I believe grandparents play an important role in the health of child. My own grandmother was an integral part of my life and played such a significant role in my growth and development. This measure recognizes this unique bond between grandparent and grandchild and allows for grandparents to continue playing a role in a child's life and development. I wholeheartedly support any measure that furthers the best interest of Hawaii's children."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. In 2010, I attended the National Conference of State Legislators Annual Meeting where I met with Texas Senator Leticia Van de Putte who is a strong advocate for children, veterans, and quality public education. She currently serves as Chair of the Veteran Affairs and Military Installations Committee, and serves as a member of the Senate Committees on Education, State Affairs, and Business and Commerce and is the Chair of the Texas Senate Democratic Caucus.

"In Texas, Senator Van de Putte authored Senate Bill 393, relating to grandparents' visitation. She shared with me that after hearing of the heartbreak felt by so many families, she was compelled to help the children of military members who are deployed remain connected with their non-custodial parent's family. This legislation, similar to Hawaii's House Bill 56, allows visitation rights for grandparents with a judge's order. It permits family courts to award reasonable visitation to grandparents if denial of visitation would cause significant harm to the child. Additionally, it establishes presumption that visitation decisions by the parents are in the best interest of the child.

"Since the bill's passage in Texas, the protection has been proven effective in reinforcing family ties for children whose parents are mobile. Sen. Van de Putte was very pleased to hear that Hawaii is pursuing this law which ultimately, and most importantly, focuses on the well-being of children.

"There's tremendous value in meeting with colleagues from across the nation at conferences such as the NCSL Annual Meeting. In fact, I'm proud to mention that our very own Hawaii Medal of Honor has now been embraced by the State of Alaska and the State of New Hampshire."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 56, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 68 and H.B. No. 44, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 44, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 70 and H.B. No. 1654, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1654, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Choy's written remarks are as follows:

"Mr. Speaker, I rise in support of HB1654 SD1, HD1, CD1. This bill provides an automatic repeal of conditional use permits that have been

issued, but not used within one year from issuance or have not been used within a one year period after issuance.

"I believe I have two examples of what this bill will do. We have two homes in Manoa that were used as youth transitional facilities. Currently, the organization has withdrawn from using these homes as youth transitional facilities. Others should be afforded an opportunity to use these permits. Testimony indicated that unless a permit is allowed to terminate, services that should be provided may not be available. It makes no sense to have an organization hold on to a permit it is not using. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1654, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 72 and H.B. No. 597, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 597, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 73 and H.B. No. 616, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 616, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 74 and H.B. No. 1003, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1003, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support HB 1003, H.D. 2, S.D. 2, C.D. 1, titled the "Protect Victims of Domestic Violence Act." The bill provides greater protection to victims of domestic violence by elevating certain crimes where the victim had obtained against the defendant a temporary restraining order, protective order, or protection of the police, or where the victim was known to the defendant to be a witness in a family court proceeding. Crimes against these victims are currently insufficient to provide adequate deterrence and this bill will upgrade murder in the second degree to murder in the first degree, and the misdemeanor offenses of assault in the third degree and terroristic threatening in the second degree to the class C felony offenses of assault in the second degree and terroristic threatening in the first degree.

"The bill is part of the Hawaii Law Enforcement Coalition's legislative package and has full support of the Attorney General, the United States Attorney for the District of Hawaii, Prosecuting Attorneys of the four counties, and the Chiefs of Police of the four counties. The bill is intended to deter violence against victims of domestic violence that the courts and police have already recognized are in need of protection and are attempting to keep safe. By upgrading crimes against these victims, the State will help ensure their safety and stiffly punish those who defy temporary restraining orders, protective orders, or police orders.

"I urge my colleagues to vote in favor of the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1003, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 76 and H.B. No. 240, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 240, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure, which seeks to combat prostitution by including witnesses in cases that involve promoting prostitution amongst those that are afforded the greatest priority when determining whether the resources of the statewide witness protection program may be provided. Individuals who are caught being prostituted may cooperate with law enforcement if they are provided witness protection. Their testimony may help ensure the effective prosecution of those involved in prostitution activities and prevent more women from being victimized and exploited. For these reasons, I urge the Members' support."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of this measure, which implements several recommendations from law enforcement to make successful prosecution of existing sex trafficking laws more effective.

"First, the bill makes amendments to HRS 28-101, adding witnesses to cases involving promoting prostitution the highest priority to government protection. Such an inclusion affords those caught up in prostitution operations a greater sense of security in testifying, which can mean all the difference in the outcome of a sex trafficking case. Those with a financial stake in the promotion of prostitution often use fear and violence as tactics to ensure their victims stay silent. Providing witnesses with protection from these dangers can create a safe and productive dialogue with those witnesses to build a stronger case against those who've done wrong.

"This Conference Draft also refines our penal statutes to broaden the notion of the coercion used by sex trafficking promoters. This bill includes the use of fraud as a means to compel a person to engage in prostitution as an element of promoting prostitution in the first degree. We received testimony that a considerable number of those who are brought to Hawaii and forced to work as prostitutes under false pretenses by someone they believed they could trust. Broadening the definition of fraud provides an additional tool for the criminal prosecution of such deception. These changes were recommended by the Prosecutor's Office and the final language vetted with law enforcement and our Penal Code with the intent to improve and strengthen Hawaii's existing sex trafficking laws.

"Passing this legislation – or a stand-alone sex trafficking statute in place of our present prostitution law – however, will accomplish little unless our law enforcement agencies have adequate training to identify and pursue applicable cases – testimony indicated that law enforcement and other officials may not be able to distinguish the nuance between the culturally constructed prostitution case and the reality of coerced sex trafficking. Much of the debate over several Sessions has been the resistance of law enforcement officials to go beyond what the Trafficking Task Force recommended some years ago – changes that advocates for sex trafficking victims assert have not gone far enough and as a result have not been very effective. I would not be surprised if criminal convictions statistics do not markedly improve in bringing sex trafficking promoters to justice until such information becomes a regular part of training for our law enforcement officials. Nevertheless, this bill marks a start towards a different mindset about criminal elements in the sex trade."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 240, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 77 and H.B. No. 141, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 141, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support to HB 141. This bill establishes Class A and B felonies for labor trafficking offenses. This measure provides a clearer and more structural means for law enforcement agencies to protect and aid victims of trafficking. This statute moves the State of Hawai'i in the right direction of social justice."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of this measure to provide law enforcement with a clearer basis on which to protect victims of labor trafficking. Hawaii has for too long been a state without adequate safeguards to prevent our people, as well as those of other states and nations, living a life of servitude, and suffering in our islands.

"HB141 creates a single, comprehensive state statute to assist local law enforcement with a tool to pursue cases against modern day slavers. As in the case of the changes to our sex trafficking laws in HB 240 CD1, a key to effective use of this tool will depend on training officials to become aware of labor trafficking tactics and to use this statute to pursue these cases. The tragedy of the Thai labor cases is that victims were viewed as being in run-of-the-mill employee-employer wage disputes rather than enslaved in a criminal enterprise. How well this statute works will depend on the human beings charged with using its provisions to properly identify and to protect labor trafficking victims."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 141, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 78 and H.B. No. 1138, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1138, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 79 and H.B. No. 1071, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1071, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 80 and H.B. No. 593, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 593, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 81 and H.B. No. 716, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 716, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 85 and H.B. No. 4, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 4, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Johanson's written remarks are as follows:

"I rise in support of HB 4, Mr. Speaker. I want to thank and congratulate my colleagues for their hard work on this measure, which is particularly important to many of the schools and communities in my district because of the significant number of military families we have within House District 32. This measure makes it easier for military children to transition into our local schools and provides realistic and helpful mechanisms for ensuring their success here in Hawaii. Given all the sacrifices our service members and their families make on behalf of our country, I am truly pleased that we are able to honor and recognize their service in this small, but significant way by ensuring that their children are able to excel in Hawaii's classrooms."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. Military children are our nation's children. Care of military children sustains our fighting force and strengthens the health, security and safety of our nation's families and communities.

"Military families move between postings on a regular basis, and while reassignments can often be a boon for career personnel, they can be difficult for the children of military families. I have been working closely with Retired Brigadier General Norman Arflack and Rick Masters from the Military Interstate Children's Compact Commission (MIC3). General Arflack is the Executive Director of MIC3 and Rick Masters is the Legal Counsel MIC3. We have been working for the past couple of years to resolve the educational transitional issues that are faced by these children and their families stationed in Hawaii.

"The average military student faces transition challenges more than twice during high school and most military children will attend six to nine different school systems in their lives from kindergarten to 12th grade. The overall purpose of this measure is to make permanent Hawaii participation in the Interstate Compact on Educational Opportunity for Military Children (ICEOMC), which attempts to permanently remove educational barriers faced by children of military families due to frequent moves and deployment of military parents.

"Enacted first in 2009, Act 152 allowed Hawaii to join the Interstate Compact on Educational Opportunity for Military Children for two years. Act 152 has a lapse date of June 30, 2011. HB4 will remove the lapse date and will permanently ease the transition for the military children so that they are afforded the same opportunities for educational success as other children and are not penalized or delayed in achieving their educational goals.

"The bill recognizes and addresses the issues and the uniqueness of Hawaii's state-wide school system, such as allowing Hawaii's tuberculosis clearance requirement and allowing the child of a deployed service member to continue and finish the school year at the school currently enrolled while in the custody of a guardian. Hawaii will be joining 36 other states that have adopted the compact. Hawaii State Commissioner Brigadier General (ret.) Dr. Kathleen Berg heads our State councils and works tirelessly with military-impacted schools of the terms of the compact.

"Since the 2008 legislative session, my staff and I have worked with numerous organizations and individuals to analyze how Hawaii supports children who frequently move into and out of our education system. Together with Department of Education Military School Liaison Cherise Imai, Senator Jill Tokuda, former Senator Norman Sakamoto, and Representative Roy Takumi, I have worked diligently over the past decade to build a comprehensive partnership between the military and our school system to understand and recognize the unique challenges facing military children and their families. The success of the Interstate Compact in

Hawaii highlights the support behind the Military Appreciation Package that my office coordinates each session. These bills, resolutions and appropriations that make up this package demonstrate the Legislature's support and appreciation of Hawaii's military community.

"The Military Appreciation Package was created to support the efforts of our men and women who have served throughout our history and all who now serve in uniform and their families, as well as, those Americans who have given their lives in defense of our freedoms we all enjoy today. The pieces of legislation that comprise the Military Appreciation Package address some of the many challenges facing our military personnel and their families, including significant recruitment and retention issues, especially for the National Guard and Reserves. It honors, remembers, recognizes and appreciates all military personnel.

"Every session, my staff and I work closely with legislators in the House and Senate, representatives from the active, Guard, and Reserve branches of the military, veteran groups, and concerned individuals to address the needs of our military men and women and their families. This session, thanks in large part to the efforts of Lisa Vargas and Kristine Duong from my office, the package includes eleven bills, seven resolutions and over \$66 million in FY2011-2012 and over \$63 million in FY2012-2013 in capital improvements funds to build or improve facilities. In the seven years I have been coordinating this package, I am fairly certain that this has been our most successful package to date.

"Over the years, we have introduced various measures to address veterans' cemeteries improvements, educational benefits and tuition assistance for service members, creating the Gold Star Family license plates, military base capital improvement projects, tax exemptions on vehicles, adjustment of deadlines for State and county elections to accommodate overseas voters, and funding for the National Guard Youth Challenge Academy. If there is any way we can assist the needs of our military men and women and their families, you can be sure we will find it.

"May is National Military Appreciation Month, as designated by Congress, and provides a time and place on which to focus and draw attention to our many expressions of appreciation and recognition of our armed services via numerous venues and also to recall and learn about our vast American history. It recognizes those on active duty in all branches of the services, the National Guard and Reserves plus retirees, veterans, and all of their families - well over 90 million Americans and more than 230 years of our nation's history.

"On May 1, 2011, President Barack Obama delivered the news that many families, soldiers and veterans have waited for nearly a decade to hear. Word of Al Qaeda leader Osama Bin Laden's death caused a national - and even international - pent-up sigh of relief. But with relief also came memories . . . memories of those who could not be here with us to celebrate the news - those whose deaths have led us to this day.

"On the fateful sunny Tuesday morning in September just ten years ago, 2,819 U.S. citizens in New York, Pennsylvania and Washington D.C. would not live to see September 12. With heavy hearts, we also bid 'aloha' to members of our own Hawaii *ohana*: Georgine Corrigan, Christine Snyder, Heather Ho, Maile Hale, and Rich Y.C. Lee.

"In response, U.S. military forces activated around the country and in our global bases on a mission to bring those responsible for the heinous murders to justice. We discovered soon after that the man taking credit for the attacks was Osama Bin Laden. From then on, the U.S. led a world-wide man hunt for him.

"Since 2001, 5,900 valiant members of our U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard (including our Army and Air National Guard) have given their lives in this pursuit. As President Obama solemnly reaffirmed, "The American people did not choose this fight. It came to our shores, and started with the senseless slaughter of our citizens. After nearly 10 years of service, struggle, and sacrifice, we know well the costs of war."

""Freedom isn't Free" isn't just a catchy bumper sticker – it's a declaration that those who defend our country with their lives do so for the millions of other Americans they have never and will never meet.

"One of the most unfortunate consequences of war is the loss of our men and women in uniform. The establishment of the Hawaii Medal of Honor in 2005 has allowed the Legislature and the entire State of Hawaii to recognize military personnel with Hawaii ties killed in action. The Legislature held, for the sixth time, a Joint Session this past March to honor and award Hawaii's fallen soldiers and their families with the Hawaii Medal of Honor. A total of 284 service members have been honored since March 29, 2003.

"I would like to include the following report from Brigadier General (ret.) Kathleen Berg, who also serves as Hawaii's State Commissioner for the MIC3. In this report, General Berg details the activities over the past two years."

Military Interstate Children's Compact Commission
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Report on Activities of the Hawaii State Commissioner and the Hawaii State Council of the Interstate Compact on Educational Opportunity for Military Children (ICEOMC)

May 2, 2011

As we near the two-year anniversary of the passage of Hawaii's Interstate Compact law, I would like to recount the major accomplishments to date of the Interstate Compact on Educational Opportunity for Military Children (ICEOMC) Hawaii State Commissioner and the ICEOMC Hawaii State Council.

After Hawaii's law was signed in June 2009, making the state a member of the ICEOMC, the Hawaii Department of Education (HIDOE) embraced the compact and immediately began implementation of the law, beginning with the recommendation for appointment of the state commissioner. After Board of Education approval, I was appointed in October 2009 and began working with the HIDOE military liaison Ms. Cherise Imai, who acts as the administrative assistant for the commissioner. The HIDOE covers the operation of the ICEOMC Hawaii State Council through Ms. Imai's office.

As the state commissioner, I am responsible for the administration and management of the state's participation in the compact. My duties include chairing the state council and setting its agenda and activities as well as representing Hawaii on the national commission (nicknamed MIC3 for Military Interstate Children's Compact Commission), which is made up of commissioners from each of the compact member states. Shortly after my appointment, I attended the second annual meeting of the national commission where the final set of compact rules was approved for implementation by the member states starting January 2010. At that meeting I was elected to serve as the commission vice chair for 2009–2010, and I joined the Training and Communications Committee. I remain active on that committee and was re-elected last year as vice chair for 2010–2011. Through my membership on the MIC3 Executive Committee, as vice chair, I have given Hawaii a prominent voice in the operation of the commission, and Hawaii has benefited from visits the past two years by commission leadership and legal counsel, who have helped answer questions from our local constituency about the compact and Hawaii's compact law. I have also played an integral role in identifying, adapting, and creating training materials for use by state commissioners for their role in providing training to their state school personnel about the compact and its provisions to ease the transition of military children from school to school as their families move with each change of station or deployment of their military parent.

At the end of 2009, I worked closely with the HIDOE military liaison to coordinate with the military services in Hawaii as well as with the other agencies represented on the state council to identify our members and

hold the first state council meeting. Starting with that meeting on April 22, 2010, the council has held a total of seven official meetings and one informational meeting; our next official meeting is scheduled for June 16, 2011. We have had a very active state council.

The council is a cooperative partnership composed of seventeen members including the governor, legislators, education and military representatives. While other states have identified one military representative for their councils, Hawaii has included representatives of the Army, Air Force, Navy, Marines, Coast Guard, and the United States Pacific Command. Superintendents from school complex areas with a high number of military dependents are included to complete the forum. The state commissioner is an ex-officio member of the council and presides over the meetings.

Over the past year, our state council formed into a wonderfully collaborative and productive group. We had a great start, with the Governor of Hawaii attending our first meeting in person to give appropriate emphasis to the importance of our job—to provide the coordination among relevant agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, the compact and Interstate Commission activities. Our success was due to the individuals who made up the council, including leadership from the legislative education committees, superintendents from the HIDOE, and uniformed military representatives with authority and rank who had children of their own in Hawaii public schools and were supportive, constructive, and experienced from their work with the Joint Venture Education Forum. When action was needed, the people in the room were the ones who could make it happen. Listed below are some of the major achievements of the council during the first year of its operation.

- Establishment of an appeal process that parents can use to get redress for decisions at the school level that they feel violate the rules of the compact
- Selection of a military family education liaison to assist military families and the state in facilitating the implementation of the compact
- Examination of placement issues in high school involving algebra and state history courses when similar or prerequisite courses are taken in middle/intermediate school
- Clarification of requirements for the Board of Education Diploma in terms of course substitution
- Exploration of the rules and requirements in athletics in the public schools through an ad hoc committee with participation by both civilian and military members
- Word-by-word examination of Hawaii's compact law with changes as recommended in preparation for the reauthorization of the state law to make Hawaii a permanent member of the Interstate Compact
- Solicitation of support and testimony for passage of the reauthorization legislation

Meetings of the council resulted not only in decisions on major issues, but in rich discussions of educational topics often not directly related to the compact but of importance to the military community. Through such discussions understanding and appreciation grow, bridges are built, and relationships are developed that strengthen understanding and cooperation. From my work chairing the council came an invitation from Major General Terry to be part of the US Army TV Town Hall meeting in July 2010; I presented a briefing on the compact that was followed up with commentary by MG Terry. Subsequently, a recording of the briefing and comments was made available to us for posting on the HIDOE website devoted to the Interstate Compact, which, by the way, was set up through the efforts of Ms. Cherise Imai as part of the "Aloha, Military Families and Students" (AMFAS) website hosted by the department. That website also contains all the agendas and minutes of council meetings as well as links to educational materials, news articles,

bios, compact rules, and other information relevant to the Interstate Compact and Hawaii's participation.

Ms. Imai also coordinated a very aggressive communication program of briefings, forums, and formal training sessions conducted by the state commissioner and the military family education liaison. I have briefed the Board of Education, HIDOE Leadership Team, Military Youth Advisory Council, and Hawaii Joint Interservice Regional Support Group (HJIRSG) and held forums with the military School Liaison Officers (SLOs) and the Military Impacted Principals Council. I conducted formal training for principals at several different complex area meetings throughout Oahu; the military family education liaison (Mr. Darren Dean) and Ms. Imai conducted training sessions for school registrars as well as some principals. Mr. Dean and I both participated in the Hawaii Joint Spouse Conference at an information table for the Interstate Compact. My status as a retired brigadier general as well as the ICEOMC state commissioner garners me invitations to military events, allowing another venue for publicizing Hawaii's role in the Interstate Compact. Ms. Imai is coordinating a schedule to provide training to the rest of the school principals in the state this year, and we are exploring the use of web-based presentations for periodic refreshers as well as initial training for new principals. The ICEOMC training report is updated regularly and posted on the AMFAS website.

Ms. Imai's role in the work of the state commissioner and the council is invaluable, and this relationship has turned out to be an ideal organization for the smooth execution of the provisions of the Interstate Compact. It surely accounts for much of the success we have enjoyed in Hawaii in the implementation of the compact rules within the HIDOE, communicating and educating through briefings, forums, and training sessions. According to the national commission's executive director, Brig Gen (Ret) Norman Arflack, who visited Hawaii in April of this year, Hawaii and Virginia are the furthest along in compact implementation of the 35 member states, and Hawaii's state council is the most active. I am very pleased and proud to have played a part in these efforts, working with the dedicated educators of the HIDOE as well as with committed civilian and military leadership, to ease the transition of military dependent students in and out of Hawaii public schools.

Hawaii has sometimes been a target of negative attention and press regarding our school system and our efforts to improve the education for our children. This is why I was so please to see an article written in the local military paper about the Interstate Compact. The following is the article taken from

Representatives, military, educators meet for interstate compact
Hookele – Pearl Harbor Hickam News
Apr 23, 2011

Karen S. Spangler
Managing Editor

Mainland representatives from the National Interstate Compact Commission in Kentucky met with members of the Hawaii State Educational Opportunity for Military Children (also referred to as the Military Interstate Children's Compact Commission or MIC3) on April 15 to discuss ways to improve the quality of education and address unique challenges faced by children of military families.

Rep. K. Mark Takai Hawaii State Representative of (District 34- Aiea, Pearl City), military leaders, Hawaii Department of Education officials and educators convened at Lehua Elementary School in Pearl City, host school for the Friday session. Lehua is one of the 45 schools in Hawaii that have significant populations of military dependent students.

Sixth grade students at Lehua welcomed guests and offered presentations and slam poetry, talking about what they experienced as their parents leave on deployment and the ensuing separations. They also used the strategies of the "Seven Habits of Highly Effective People" in their presentations.

Beginning this school year, Lehua implemented the "Seven Habits" by Steven Covey in its curriculum. Known in schools as "The Leader in Me" program, students learn the habits of success and leadership skills as part of their curriculum.

Fay Toyama, principal at Lehua Elementary, explained that 61 percent of the school's students are military dependents, according to the school's official enrollment count day in August 2010. She emphasized the importance of the interstate compact to help children from military families as they transition to schools in other states.

"The interstate compact is important for all students to continue their education as much as possible with the least amount of interruption, especially at the primary school level when the basic foundations are established for lifelong learning," Toyama said.

"When students are enrolled after the school year starts, they are missing out on learning, as well as the social aspects of being among peers. The compact allows for students to transition as smoothly as possible when their parents are transferred from one duty station to another," she added.

Brig. Gen. (retired) Norman Arflack, executive director of the National Interstate Compact Commission, and Rick Masters, legal counsel to the commission, highlighted the significance of the military in celebration of the Month of the Military Child and the importance of the compact for military children.

Arflack commended the state of Hawaii on the accomplishments that it has made with regard to the compact. "If every state had the organization and structure Hawaii has, there would no challenges. You have broken the code here in Hawaii," he said.

Masters noted that other states look to Hawaii as a model and that Hawaii is one of the most active state models in the nation. "Other states monitor what is being done here. This is what the compact is about," he said.

So far, 36 states have joined the interstate compact. According to Arflack, the 36 states that are currently members of the compact represent almost 78 percent of the military student population. The goal is for all 50 states and U.S. territories to eventually be part of the compact. Six states, including New York, Pennsylvania, Vermont, Nebraska, North Dakota and Nevada, currently have pending legislation.

Arflack said that Hawaii has the largest number of representatives in military uniform. "It's important to have senior leaders sitting around the table with educators and making decisions," he said. Arflack noted that the participation between all military branches and the Department of Education is an important part of Hawaii's program and what makes it so successful.

Brig. Gen. (ret.) Kathleen F. Berg who serves as the state commissioner for Hawaii for the Interstate Commission on Educational Opportunity for Military Children, added, "We have a really nice working model here [in Hawaii]. There needs to be a lot of sharing among states."

Takai discussed the significance of the military involvement. "We have considerable participation from all branches of the military [Department of Defense] and homeland security with the Coast Guard," he said.

"We go to the mainland and we are one of the models that other states look to for guidance," he noted.

"Our military children, just like our local children, deserve the very best. We work tirelessly to meet the special needs and demands of being a military child," Takai added.

Hawaii enacted Act 152 in 2009 that allowed Hawaii to join the Interstate Compact on Educational Opportunity for Military Children for two years. Currently, the legislature is discussing reauthorization of the law under House Bill 4 for the enactment of the interstate compact on

educational opportunity for military children, which was introduced by Takai.

"The interstate compact strengthens and builds on Hawaii's support to our military community. The compact will ease the challenges created when children are uprooted from school as parents are transferred or are deployed," Takai explained.

There are common problems that impact military students as a result of frequent moves and deployments. States that join the compact agree to work together with other "compact" states in creating uniform standards of practice regarding transfer of school records, course placement, graduation requirements, redundant or missed testing, and entrance age variations.

"The overall purpose of the interstate compact is to remove educational barriers faced by children of military families due to frequent moves and deployment of military parents," Takai said.

Arflack emphasized the importance of the interstate compact for military children. "We're trying to see that military kids aren't disadvantaged," he said.

"[Military] children talk about how tough it is when their parents deploy. We have to do what we can do as a commission to relieve that burden," Arflack said.

For more information about the Interstate Compact on Educational Opportunity for Military Children, visit the Aloha, Military Families and Students (AMFAS) website at <http://militaryfamily.k12.hi.us/> or www.mic3.net.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 4, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 89 and H.B. No. 1052, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1052, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 90 and H.B. No. 1079, HD 2, SD 1, CD 1:

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 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 91 and H.B. No. 1000, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1000, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 94 and H.B. No. 423, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 423, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 95 and H.B. No. 855, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 855, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 98 and H.B. No. 545, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 545, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of HB 545, which facilitates the elections office creating a system for online voter registration by the 2014 election.

"This measure is a step toward increasing voter access to, participation in, and turnout for, Hawaii's elections – all of which play a significant role in ensuring the integrity of our State's electoral system. A comprehensive process by which to allow voters to register with greater ease is what Hawaii needs to increase our comparatively low level of voter participation. Using technology to ease the registration process is one step towards providing full opportunity for our people to participate in elections."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 545, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 99 and H.B. No. 828, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 828, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly support this bill which addresses cash business tax enforcement in a more practical and business friendly fashion. This measure requires that those businesses conducting more than ten taxable transactions per day in cash to offer a receipt or other record and maintain a record of all business transactions whether generated by hand or cash register.

"This measure repeals the penalty for failure to record transactions by cash register and clarifies that a receipt and record of cash transactions may be hand written or generated by a cash register. This will allow merchants at a farmers' market and craft fairs a fairer and more practical way to comply with tax reporting requirements.

"This is a step forward towards addressing the issue of merchants compliance to insure that cash transactions are properly reported and general excise taxes are paid on such transactions."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 828, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 100 and H.B. No. 838, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

838, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 101 and S.B. No. 1089, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1089, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 104 and S.B. No. 163, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 163, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 108 and S.B. No. 1348, SD 2, HD 3, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1348, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 109 and S.B. No. 1174, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1174, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 110 and S.B. No. 1284, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1284, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 112 and H.B. No. 1333, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1333, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 116 and H.B. No. 761, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 761, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Jordan's written remarks are as follows:

"I stand in strong support of HB 761, HD1, SD2, CD1 – Relating to Intellectual Disabilities. The purpose and intent of this bill is to change references to "mental retardation" or like terms in the Hawaii Revised Statutes to "intellectual disability" or like terms. This bill follows a national movement led by self-advocates to use people-first language that is less offensive and more respectful, and to eliminate the negative stigma that is associated with the term mental retardation or like terms. Two of my constituents submitted testimony on this measure before the House Humans Services Committee and both individuals shared their personal experience in supporting this measure. These individuals are the champions that we should recognize in this nationwide effort and in

representing their voice. It is my privilege to stand in strong support of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 761, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 117 and H.B. No. 1045, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1045, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 120 and H.B. No. 1342, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1342, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Nakashima's written remarks are as follows:

"This bill would exempt broadband infrastructure improvements from State or county permitting requirements for five years, under certain conditions. This is necessary to support a federal grant to expand broadband access to all of our public schools and for efforts to achieve federal "narrow banding" requirements for first responders as set by the Federal Communication Commission. This legislation will also assist in efforts by the University of Hawaii to provide broadband access to all public schools and libraries in the State of Hawaii bringing this important resource to rural communities in the State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1342, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 122 and H.B. No. 1089, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1089, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 123 and H.B. No. 960, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 960, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 124 and H.B. No. 1405, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1405, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano's written remarks are as follows:

"Mr. Speaker. This bill implements smart growth principles without using indigenous principles that have been established by the host culture (*kanaka maoli*). This bill uses states (Maryland and Florida) that are not island oriented."

Representative Nakashima's written remarks are as follows:

"In order to preserve Hawaii's natural resources for future generations, it is important to identify and plan for a system of greenways and trails statewide. Many of these valuable natural resources have already been diminished by the need for development and growth, however it is not too late to set out a policy of preserving greenways and trails to insure that the needs for growth are balanced by the desire to preserve Hawaii as a very special place."

Representative Jordan's written remarks are as follows:

"I speak in strong support of HB 1405, HD1, SD1, CD1 – Relating to Planning. The purpose of this bill is to promote smart growth and sustainability in the State by requiring the Office of Planning to develop a plan to establish a statewide system of greenways and trails. The City and County of Honolulu Department of Planning and Permitting testified in support of this bill and explained that "such a plan would provide enhanced predictability for local communities and the community planning process and would allow for more systemic planning, design and funding of greenway and trail projects." The Outdoor Circle and Sierra Club Hawaii Chapter also submitted testimony in support of this measure. This bill is the first step in a process toward a broader examination of other elements of smart growth, including an analysis of the long-term land use planning needed to support Hawaii's energy and food needs. Thus, I ask for your support of this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1405, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 126 and H.B. No. 1082, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1082, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 134 and S.B. No. 1482, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1482, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 135 and S.B. No. 146, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 146, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 136 and S.B. No. 1244, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1244, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 142 and H.B. No. 1568, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1568, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Tsuji's written remarks are as follows:

"This bill protects Hawaii's natural environment from the threat of invasive species and assists Hawaii's agricultural industry. It would establish biosecurity and inspection facilities at major State airports and harbors to strengthen and support Hawaii's agricultural industry and protect Hawaii's environment from invasive species.

"In Governor Abercrombie's *A New Day in Hawaii* publication, he stressed "A strong economy is not one based on unfettered consumption of our natural resources, but instead one that is sustainable over time." One of the bullet points that followed was to "Improve prevention, management, and response system for invasive species."

"We are keenly aware that Hawaii's beauty is a fragile and complex ecosystem that can be destroyed by any introduction of invasive species. Hawaii's geographical isolation results in importation of most of the products that we use. This creates numerous pathways for invasive pests to arrive here. Stopping the threat of invasive species at ports of entry by constructing and operating biosecurity facilities is the most effective and economical means of protecting our islands.

"Modern, enclosed inspection facilities will provide safeguards and will also assist the agricultural industry in alleviating the delay experienced when shipping perishable items out-of-state. Also, the biosecurity facilities will serve as a barrier to the exporting of invasive species to other parts of the world, which may result in embargos and quarantines of our produce and goods.

"DOA and DOT would collaborate to make these facilities. I believe this is appropriate especially when you think about the many ways goods arrive in Hawaii and who is responsible for the necessary inspections.

"Evidence shows that *preventing* a new pest establishment is much more economical than eradicating a pest or, even worse, controlling it indefinitely once it is established. Mr. Speaker, the State has already seen the negative effects of having less ag inspectors defending our ports of entry. We cannot further risk the future of Hawaii's agriculture by letting our guards down against invasive species. Colleagues please join me in support of HB 1568."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1568, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 10:55 o'clock a.m. the Chair noted that the following bills passed Final Reading:

S.B. No. 172, SD 2, HD 2, CD 1
 S.B. No. 1483, SD 1, HD 1, CD 1
 S.B. No. 45, HD 1, CD 1
 S.B. No. 283, SD 1, HD 1, CD 1
 S.B. No. 1278, SD 1, HD 2, CD 1
 S.B. No. 101, SD 1, HD 2, CD 1
 S.B. No. 105, SD 2, HD 1, CD 1
 S.B. No. 44, SD 1, HD 1, CD 1
 S.B. No. 758, SD 1, HD 2, CD 1
 S.B. No. 1277, SD 2, HD 2, CD 1
 S.B. No. 142, SD 1, HD 1, CD 1
 S.B. No. 1213, SD 1, HD 1, CD 1
 S.B. No. 1503, SD 2, HD 1, CD 1
 S.B. No. 40, SD 2, HD 2, CD 1
 S.B. No. 217, SD 2, HD 2, CD 1
 S.B. No. 1025, SD 1, HD 1, CD 1
 S.B. No. 1067, SD 1, HD 2, CD 1
 S.B. No. 285, SD 2, HD 2, CD 1
 S.B. No. 806, SD 1, HD 2, CD 1
 S.B. No. 1290, SD 1, HD 2, CD 1
 S.B. No. 1331, SD 2, HD 2, CD 1
 S.B. No. 742, SD 2, HD 1, CD 1

S.B. No. 1383, SD 2, HD 2, CD 1
 S.B. No. 2, SD 2, HD 1, CD 1
 S.B. No. 34, SD 1, HD 1, CD 1
 H.B. No. 1094, HD 1, SD 2, CD 1
 H.B. No. 1241, HD 2, SD 2, CD 1
 H.B. No. 555, HD 1, SD 1, CD 1
 H.B. No. 866, HD 2, SD 2, CD 1
 H.B. No. 663, HD 2, SD 2, CD 1
 H.B. No. 931, SD 1, CD 1
 H.B. No. 227, HD 2, SD 2, CD 1
 H.B. No. 1088, HD 1, SD 1, CD 1
 H.B. No. 1049, HD 2, SD 2, CD 1
 H.B. No. 909, HD 2, SD 2, CD 1
 H.B. No. 1005, HD 2, SD 2, CD 1
 H.B. No. 56, HD 2, SD 2, CD 1
 H.B. No. 44, HD 1, SD 1, CD 1
 H.B. No. 1654, HD 1, SD 1, CD 1
 H.B. No. 597, HD 1, SD 1, CD 1
 H.B. No. 616, HD 2, SD 2, CD 1
 H.B. No. 1003, HD 2, SD 2, CD 1
 H.B. No. 240, SD 1, CD 1
 H.B. No. 141, HD 1, SD 1, CD 1
 H.B. No. 1138, SD 2, CD 1
 H.B. No. 1071, HD 2, SD 1, CD 1
 H.B. No. 593, HD 1, SD 1, CD 1
 H.B. No. 716, HD 1, SD 1, CD 1
 H.B. No. 4, HD 2, SD 2, CD 1
 H.B. No. 1052, HD 2, SD 1, CD 1
 H.B. No. 1079, HD 2, SD 1, CD 1
 H.B. No. 1000, HD 2, SD 2, CD 1
 H.B. No. 423, HD 1, SD 1, CD 1
 H.B. No. 855, HD 1, SD 1, CD 1
 H.B. No. 545, HD 1, SD 1, CD 1
 H.B. No. 828, HD 2, SD 1, CD 1
 H.B. No. 838, HD 2, SD 1, CD 1
 S.B. No. 1089, SD 1, HD 2, CD 1
 S.B. No. 163, SD 1, HD 1, CD 1
 S.B. No. 1348, SD 2, HD 3, CD 1
 S.B. No. 1174, SD 2, HD 1, CD 1
 S.B. No. 1284, SD 2, HD 1, CD 1
 H.B. No. 1333, HD 1, SD 1, CD 1
 H.B. No. 761, HD 1, SD 2, CD 1
 H.B. No. 1045, HD 1, SD 2, CD 1
 H.B. No. 1342, HD 1, SD 2, CD 1
 H.B. No. 1089, HD 1, SD 1, CD 1
 H.B. No. 960, HD 1, SD 2, CD 1
 H.B. No. 1405, HD 1, SD 1, CD 1
 H.B. No. 1082, HD 1, SD 2, CD 1
 S.B. No. 1482, SD 1, HD 1, CD 1
 S.B. No. 146, SD 1, HD 2, CD 1
 S.B. No. 1244, SD 2, HD 1, CD 1
 H.B. No. 1568, HD 2, SD 2, CD 1

The Chair then announced:

"Members, please remember to submit to the Clerk your list of bills on the Consent Calendar for which you will be inserting written comments, in support or in opposition. This must be done before the adjournment of today's Floor session."

ORDINARY CALENDAR

UNFINISHED BUSINESS

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 1755) recommending that S.C.R. No. 111, SD 1, be adopted.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 111, SD 1, be adopted, seconded by Representative Evans.

Representative Thielen rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"SCR 111 SD1 provides a Sunrise Review on SB 1522, SD2, HD1 which requires the regulation of large scale commercial dog breeders and dog breeding facilities. This Review will be instituted by the Auditor for the Department of Commerce and Consumer Affairs which would become the licensing and regulating authority for commercial dog breeders.

"Although legislation was introduced this Session regulating dog breeders, several issues must first be considered in order to produce effective laws which consistently prevent and discourage puppy mills while allowing reputable hobby breeders to continue producing quality healthy dogs. Limits on dogs, whether it is one or one hundred, may not address the puppy mill problem as much as establishing strict health and housing requirements for dogs. These standards of care should include adequate food, fresh water, clean housing, socialization, regular vet care and limits on numbers of litters which can be produced by a breeding female.

"The Sunrise Review will consider not only how many breeders will be impacted by this legislation, but how effective licensing will be on eliminating puppy mills. SCR 111 SD1 will enable us to enact legislation which works, rather than pass a law which will prevent dog hobbyists from breeding healthy and happy family pets."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 111, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF LARGE-SCALE DOG BREEDERS AND DOG BREEDING FACILITIES," was adopted, with Representatives Carroll and Pine being excused.

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll and Pine were excused.)

H.B. No. 467, HD 2, (SD 1)
 H.B. No. 924, HD 2, (SD 2)
 H.B. No. 1056, HD 1, (SD 2)
 H.B. No. 1107, HD 1, (SD 2)
 H.B. No. 1434, HD 2, (SD 1)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 467, HD 2, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 467, HD 2, on the following showing of Ayes and Noes:

Ayes, 5 (Rhoads, Keith-Agaran, Yamashita, Wooley and Fontaine).
 Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 467, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 924, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 924, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I am in strong support of HB 924 HD2, SD2.

"This measure simply reinstates insurance coverage that has been previously paid for by certain construction companies that may have been inadvertently dissolved by a court ruling. This measure will ascertain if the companies can cover any liabilities incurred from construction defect, thereby ultimately benefiting the consumers and our citizens. I thank the members in supporting the intent of this legislation and the benefits that it will bring to our State."

The motion was put to vote by the Chair and carried, and H.B. No. 924, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1056, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1056, HD 1, on the following showing of Ayes and Noes:

Ayes, 5 (Takumi, Rhoads, Yamashita, Belatti and Johanson). Noes, none. Excused, 1 (Saiki).

Representative B. Oshiro moved that H.B. No. 1056, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Johanson rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of HB 1056. I think this measure is important in helping equip our schools with quality talent at the administrative level. By making current certification routes for principals and vice principals more flexible, we are allowing for an infusion of potentially non-traditional, but equally valuable and effective administration in our local schools. I hope this change will infuse new ideas, experiences and vibrancy into the Department of Education and our classrooms – a clear benefit to all of our students."

Representative Awana rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support. This bill will provide for highly qualified individuals to be certified principals and vice-principals in our school system. Allowing the Department of Education with options will assist with the ongoing challenges our schools face – administrators who may not have the necessary documentation in one area, but yet may excel in another area which is equally beneficial to becoming an administrator. For these reasons I am in support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1056, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1107, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1107, HD 1, on the following showing of Ayes and Noes:

Ayes, 3 (Aquino, B. Oshiro and Fontaine). Noes, none. Excused, 2 (Ito and Takai).

Representative B. Oshiro moved that H.B. No. 1107, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? I'm a member of the Hawaii Army National Guard," and the Chair ruled, "no conflict."

Representative Takai continued 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 rise in strong support of this measure. Last year, President Obama selected Honolulu as the host for the annual Asia-Pacific Economic Cooperation (APEC) Leaders Meeting in November 2011. The Asia-Pacific Economic Cooperation is the premier forum for cooperation among Asia-Pacific economies on trade and investment issues.

"The annual APEC gathering is one of the world's largest intergovernmental meetings and is attended by heads of state, cabinet ministers, heads of the World Bank and World Trade Organization, and other business leaders. This will be the single largest gathering of distinguished world leaders in Hawaii's history.

"Scheduled for the week beginning November 13, 2011, the meetings will be very beneficial for Hawaii's economy, as they are expected to draw more than ten thousand people to Honolulu and will provide a boost to the State's struggling tourism industry.

"High profile events, such as the Asia-Pacific Economic Cooperation meetings, carry many security concerns. With security preparations already underway, it is in the State's best interest to maximize its security resources.

"HB 1107 will help increase the capability of our Hawaii National Guard – "Hawaii's own" – in using the appropriate level of force during civil disturbance and riots, as well as enhance our Hawaii National Guard's readiness in a federal mobilization and deployment in support of the Global War on Terrorism.

"Currently only our Hawaii Law Enforcement (Police and Sheriffs) are allowed to use electric guns. This hinders the Hawaii National Guard's ability to adequately support Hawaii Police should they need our valued assistance in preventing and deterring civil disturbances and riots.

"Passing HB 1107 will allow our Hawaii National Guard to be prepared for our Federal Mission to protect the United States. Currently Active Duty units are training in non-lethal instruments to include electric guns in order to provide the appropriate level of force during situations in deployments to Afghanistan.

"Allowing our Hawaii National Guard to possess and train on electric guns will increase our readiness and prepare our Soldiers in the event of a deployment overseas for the Global War on Terrorism. It is necessary for the safety and protection of our Soldiers and Airman who are put into harm's way. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1107, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE

HAWAII NATIONAL GUARD," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1434, HD 2, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1434, HD 2, on the following showing of Ayes and Noes:

Ayes, 3 (Rhoads, Yamashita and Cullen). Noes, none. Excused, none.

Representative B. Oshiro moved that H.B. No. 1434, HD 2, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I get a ruling on potential conflict? At my law firm I represent contractors. Thank you," and the Chair ruled, "no conflict."

Representative Johanson rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 1434. I wholeheartedly believe that people should be fairly compensated for their hard work. I also believe that people who willfully violate prevailing wage laws should be held accountable for their actions. However, this measure leaves no room for an employer who made an honest mistake in calculating wages. By making each violation punishable instead of grouping systematic mistakes into one single violation, the consequences for honest mistakes are more than punitive – they can be crippling for our local businesses. We need to take actions that help businesses to thrive here in Hawaii and I do not believe, despite its intent, that this bill will accomplish that. Rather, it has the potential to negatively impact our small businesses and Hawaii's economy."

The motion was put to vote by the Chair and carried, and H.B. No. 1434, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Final Reading by a vote of 42 ayes to 7 noes, with Representatives Ching, Fontaine, Johanson, Marumoto, Riviere, Thielen and Ward voting no, and with Representatives Carroll and Pine being excused.

At 11:00 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 467, HD 2, SD 1
H.B. No. 924, HD 2, SD 2
H.B. No. 1056, HD 1, SD 2
H.B. No. 1107, HD 1, SD 2
H.B. No. 1434, HD 2, SD 1

At 11:01 o'clock a.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:02 o'clock a.m.

Conf. Com. Rep. No. 7 and S.B. No. 281, SD 2, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 281, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 8 and S.B. No. 1493, SD 1, HD 3, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1493, SD 1, HD 3, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Brief comments, please. A brief comment that when astronomy is your number one industry, and as a world leader, darkness is a natural resource. This bill is about protecting the 30 meter telescope and having the resource of darkness not intercept what it's done. It may sound trivial, but we're the leaders of astronomy in the world and we have the 30 meter telescope.

"Mr. Speaker, this is an important bill, even though it has a 'twinkle, twinkle, little star' kind of title to it and people look otherwise. It's very serious. Thank you."

Representative Morikawa rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morikawa's written remarks are as follows:

"In support with reservations. The goal of this measure is an excellent one, especially when you can plan future lighting projects to achieve it. The consequence, however, are the costs for replacement fixtures. The decorative lamp posts will all need to conform and may not look appealing unless all lamp posts are changed at the same time. These costs will be tremendous to the Counties, State and other businesses."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Jordan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I speak in support of SB1493, SD1, HD3, CD1 – Relating to Light Pollution. Artificial lighting has many negative impacts on biological and cultural resources. It affects Hawaii's astronomical observatories, impeding the viewing of the stars, which is important for Native Hawaiian Cultural Practices. It also affects native wildlife populations, like turtles and marine birds, who are often disoriented and disrupted by the glare from unshielded outdoor lighting. There is a duty of protection owed for natural areas that attract native wildlife at locations such as Kaena Point and Kaneilio Point on Oahu that house habitats for Newell Shearwaters and Hawaiian Sea Turtles and this legislation is just one step toward that protection. The use of shielded lights will reduce light above the horizontal plane and direct it toward populated areas, where it is needed. This will improve energy efficiency and reduce light pollution."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1493, SD 1, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 9 and S.B. No. 631, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 631, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On Conference Committee Report No. 9, Senate Bill 631, Relating to Renewable Energy, I'm voting in favor of it, but I do have one strong reservation. Thank you.

"Mr. Speaker, unfortunately this bill will allow the use of B Class land, agricultural land classified as B, B as in boy, which means that it is much more valuable agricultural land. Some renewable energy projects could really prohibit the use of the B land then for agricultural purposes. I think we could have done this without including that land in there, and I thought at one point that was going to be removed, but it isn't. So that's my reservation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 631, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 12 and S.B. No. 975, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 975, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Saiki rose and asked that the Clerk record a no vote 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 S.B. No. 975, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Final Reading by a vote of 42 ayes to 7 noes, with Representatives Belatti, Hanohano, C. Lee, Luke, Rhoads, Saiki and Takai voting no, and with Representatives Carroll and Pine being excused.

At 11:06 o'clock a.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 281, SD 2, HD 2, CD 1
S.B. No. 1493, SD 1, HD 3, CD 1
S.B. No. 631, SD 1, HD 2, CD 1
S.B. No. 975, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 13 and S.B. No. 1519, SD 3, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1519, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 18 and S.B. No. 14, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 14, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 20 and S.B. No. 298, SD 3, HD 3, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 298, SD 3, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 21 and S.B. No. 1485, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1485, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Morikawa rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morikawa's written remarks are as follows:

"With strong reservations. Employees deserve fair treatment. There is a process in place to deal with personnel issues. One of the causes of a failing school is the lack of motivation, guidance and training. I hope that the Superintendent of Education will do what's best for our children and respect the rights of our teachers and other DOE employees."

Representative Nakashima rose in opposition to the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Nakashima's written remarks are as follows:

"Mr. Speaker, I stand in opposition to this measure. This bill, would allow the Superintendent of Education to reconstitute a public school. Mr. Speaker, this measure is necessary because of our failure to implement a meaningful and effective evaluation and in-service training program for the public schools.

"School principals receive woefully inadequate training in the execution of the teacher evaluation program and teachers are denied the opportunity to succeed in their chosen profession.

"Principal evaluation is almost non-existent. It consists of a form and a few pages of notes, but falls well short of the policy mandate for administrator performance contracts as mandated in Act 51.

"Mr. Speaker, without a system of evaluation, feedback and when necessary corrective action, our public school system cannot move forward and succeed in the "Race for the Top." This bill does nothing to improve the school system or to address the needs of staffing inadequacies as it merely allows the superintendent to "pass the trash." Our students deserve better than this Mr. Speaker."

Representative McKelvey rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Keith-Agaran rose to speak in support of the measure with reservations, stating:

"In support with some slight reservations that I'd like to put into written comments."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I have reservations on SB1485 SD1 HD1 CD1 which would allow the Superintendent to reconstitute a public school that has been in restructuring for four or more years.

"I respect the present Superintendent of Education. I worked with her in the Cayetano Administration and personally know she is a smart and effective administrator. However, until the Department of Education has produced an adequate and comprehensive evaluation of Hawaii's public school teachers and administrators, it is premature to allow the Superintendent the sweeping powers to remove some or all of a public school's personnel. This measure raises particular concerns in regard to our rural and Neighbor Island schools, where the retention of successful principals and teachers may be jeopardized.

"Our current law already authorizes the Superintendent with enough authority to make changes when existing policies and agreements are respected and followed. Shortcuts are no substitute for carefully considered reform. I fear that too many times policymakers believe that creating a law completes the reform mission. But as the State has experienced with Act 51 and other past efforts, follow-through, implementation and changing an entrenched culture takes more than tough words in the Hawaii Revised Statutes."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1485, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS," passed Final Reading by a vote of 40 ayes to 9 noes, with

Representatives Chang, Cullen, Hanohano, Ito, Kawakami, McKelvey, Nakashima, Souki and Wooley voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 22 and S.B. No. 1282, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1282, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 24 and S.B. No. 986, SD 2, HD 3, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 986, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 26 and S.B. No. 181, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 181, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Cabanilla 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 S.B. No. 181, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 11:08 o'clock a.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1519, SD 3, HD 2, CD 1
S.B. No. 14, SD 2, HD 1, CD 1
S.B. No. 298, SD 3, HD 3, CD 1
S.B. No. 1485, SD 1, HD 1, CD 1
S.B. No. 1282, SD 1, HD 1, CD 1
S.B. No. 986, SD 2, HD 3, CD 1
S.B. No. 181, SD 1, HD 1, CD 1

At 11:09 o'clock a.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:09 o'clock a.m.

Conf. Com. Rep. No. 28 and S.B. No. 106, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that notwithstanding the recommendations contained in Conference Committee Report No. 28, that S.B. No. 106, SD 1, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and S.B. No. 106, SD 1, HD 1, CD 1, entitled "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," was recommitted to the Committee on Conference, with Representatives Awana, Carroll and Pine being excused.

Conf. Com. Rep. No. 27 and S.B. No. 49, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 49, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 29 and S.B. No. 1068, SD 1, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1068, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 31 and S.B. No. 229, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 229, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee rose 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 strong support of this measure. Domestic abuse takes a heavy toll on both victims and their employers, including increased security and safety concerns, reduced productivity, and increased healthcare costs. As a result, victims of domestic abuse can face a loss of their jobs at a time when employment and financial independence is critical.

"The act of firing (or not even hiring) prohibits the victim from earning a living wage with which to support her children, lowers her confidence and inhibits her ability to further pursue employment, causes other potential employers to see her in a less positive light, jeopardizes the ability to maintain a place to live, increases the risk of depression and increases the likelihood of having to go on public assistance. Women retreat back to their abuser because they do not have the finances to leave. All of these negative effects only serve to re-victimize the victim.

"We are hopeful Hawaii can follow the footsteps of Illinois, New York City, Connecticut, Rhode Island and Westchester County in New York State who have enacted legislation to ban discrimination against a victim of domestic violence, sexual assault, or stalking. Other states have safety accommodations such as screening phone calls, allowing the employee to work in the back of the office with a lock on the door, etc. As of now, the time frame allowed to the victim is case by case.

"The Conference draft adds a provision that allows employers to request the employee provide corroboration of their victim status in order for the protections available under section 378-2, Hawaii Revised Statutes, to apply. This provision will help address employer concerns over abuse of protection under the new law.

"Leaving things the way they are is not an option. How many more cases do we need to review in order make changes? This bill offers protection and reassurance that the victim will have stable employment through tumultuous times. State legislation that models the previously introduced federal SAFE Act would enable battered women to seek safety while working towards financial independence."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 229, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 35 and S.B. No. 1394, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1394, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Cabanilla rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker, and I would like permission to insert written comments."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, it is extremely difficult to find affordable housing in Hawaii. This bill authorizes the HPHA to enter into contracts with developers to develop public housing projects in exchange for commercial space in the project.

"Public-private partnerships can bring much needed affordable housing. Mixed use developments are in line with Smart Growth design. Residents are then in close proximity to shopping and other community amenities. They become less dependent on cars or other transportation as they are able to walk to these services.

"And concomitantly, commercial space can be situated in high traffic areas, while residents can be placed on higher floors, giving more privacy and quiet. Mixed use development is the wave of the future. It is a win-win for both developers and residents.

"Mr. Speaker and colleagues, please support SB 1394, SD 1, HD 1, CD 1, which will put Hawaii on track with developing affordable sustainable housing."

Representative Johanson rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I am in support of SB 1394. I believe this innovative measure has the potential to vastly improve the quality of life and create greater self-sufficiency in public housing complexes by potentially offering residents nearby and convenient places to work and shop. It also encourages local businesses to invest in our community and in affordable housing. I hope that a creative idea such as this can reduce the cost of living and offer our neighbors a good home, not merely an adequate shelter."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1394, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 37 and S.B. No. 1511, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1511, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. The bill will increase the maximum lease terms for aquaculture operations from 35 to 65 years, and allow aquaculture lessees who are in good standing to renew their leases; and thus, would encourage greater commercial aquaculture production in the State of Hawaii. I have reservations however, about the environmental and cultural impact of expanding commercial finfish open ocean cage aquaculture operations.

"We have yet to understand how offshore aquaculture will impact our environment. This type of industrial aquaculture has introduced parasites and diseases into the wild fish stocks of the Canadian Coast. Also, experiments in Hawaii have encountered lost cages, escaped fish, and damaged coral. In allowing any extension, the Department of Land and Natural Resources should include appropriate conditions for monitoring environmental effects and for modification of the leases to deal with adverse impacts on natural resources.

"Thus, I support SB1511, SD1, HD2, CD1 with reservations."

Representative Tsuji rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"SB 1511 would give parity to aquaculture leases with other ag leases. Increasing aquaculture lease terms to sixty-five years and allowing aquaculture lessees who are in good standing to renew their leases would only encourage greater commercial aquaculture production in the State.

"Furthermore, this bill assists all aquafarms that are approved for State leases, including near-shore saltwater aquaculture, inland freshwater aquaculture and aquaponics, and even revival of Hawaiian fishponds if they are owned by the State.

"Speaking more broadly, this bill addresses the public's growing interest in food security and self-sufficiency in Hawaii, as we currently import approximately 90% of our seafood.

"The value of Hawaii's aquaculture production has nearly doubled in the last 12 years, to more than \$32 million in 2009. This measure would increase the maximum lease terms for aquaculture and aquaponics farms, which would encourage investment in farm facilities and allow farmers greater access to Federal loan guarantees."

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I would like to express my reservations on SB 1511, SD1, HD2, CD1, which increases the maximum term for aquaculture leases from thirty-five years to a maximum term of sixty-five years. While the purpose of this bill is to encourage commercial aquaculture production in the State by providing favorable terms for leasing of public lands, it does so at the expense of ensuring fair competition. This legislature should also consider whether this bill complies with Article XI, Section 1 of the State Constitution, which specifies that "all public natural resources are held in trust by the State for the benefit of the people." As the trustee of Hawaii's natural resources, we have a duty and responsibility to "promote the development and utilization of these resources in a manner consistent with their conservation" for the benefit of present and future generations."

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Belatti 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 Committee was adopted and S.B. No. 1511, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Final Reading by a vote of 45 ayes to 4 noes, with Representatives Awana, Belatti, Hanohano and C. Lee voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 40 and S.B. No. 1347, SD 1, HD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1347, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 11:12 o'clock a.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 49, SD 1, HD 2, CD 1
S.B. No. 1068, SD 1, HD 1, CD 1
S.B. No. 229, SD 1, HD 2, CD 1
S.B. No. 1394, SD 1, HD 1, CD 1

S.B. No. 1511, SD 1, HD 2, CD 1
S.B. No. 1347, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 41 and S.B. No. 1520, SD 2, HD 3, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1520, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I rise to express my reservations with SB 1520, SD2, HD3, CD1 – Relating to Government. I would like to first thank the Chairs of the Hawaiian Affairs and Finance Committees because I believe that the House Draft 3 version of the bill recognizing the native Hawaiian people as the only indigenous, aboriginal, *maoli* people of Hawaii is the more prudent approach than this Conference Draft 1. State recognition of a reorganized native Hawaiian governing entity and ultimately formal federal recognition, must be driven by the native Hawaiian people, not the State of Hawaii. Because my district encompasses a large native Hawaiian population, I must express my reservations with this bill and impress upon this Body the importance of consulting the native Hawaiian people before moving beyond a single statement of recognition to the establishment of a process for a reorganized Native Hawaiian governing entity."

Representative Kawakami 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 S.B. No. 1520, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 45 and S.B. No. 23, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 23, SD 1, HD 2, CD 1, pass Final Reading, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 23, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 46 and S.B. No. 903, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 903, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, SB 903, SD 1, HD 1, CD 1, creates the affordable rental housing development program and allows nonprofit organizations to acquire expiring United States Department of Housing and Urban Development, or United States Department of Agriculture housing contracts and ensures the projects remain affordable.

"This bill specifies that affordable units under the affordable rental housing development program shall be held to the same maintenance

requirements as those of different target income groups or mixed use development, and shall not be subject to deferred maintenance.

"Mr. Speaker, affordable rental housing is one of the most pressing needs in the State. This bill will allow nonprofits to help contribute to increasing the stock of affordable housing. Also, it will ensure that these units are maintained with the same standard of quality as moderate and high income units.

"Mahalo Mr. Speaker and colleagues, for supporting SB 903, SD 1, HD 1, CD 1, and hence, affordable rental housing."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On Conference Committee Report No. 46, I'd like to vote in favor with reservations, mostly because of the term, 'in perpetuity.' Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 903, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 47 and S.B. No. 1154, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1154, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 48 and S.B. No. 1530, SD 1, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1530, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Jordan rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Jordan's written remarks are as follows:

"I stand with reservations on SB1530, SD1, HD2, CD1, which authorizes the Board of Land and Natural Resources to extend leases of public lands for hotel or resort use. The problem with this bill is that it allows for an extension of the lease period for the use of public lands to 55 years. This lease provides security for business owners who will theoretically use that security to invest in their properties. However, it neglects the public's interest to ensure State land is leased through public auction and fair procedures. The long lease term also restricts the lease values through time, limiting State revenues and making it difficult to keep up with market rents. Having incremental increases in lease terms would be in the State's best interest as it would allow the State to generate revenue and ensure that properties are maintained and yielding the greatest return."

Representative Hanohano rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on SB 1530. This bill authorizes the Board of Land and Natural Resources to extend leases of public lands for hotel or resort use upon approval of a proposed development agreement to make substantial improvements to the existing improvement. This bill was not referred to the Committee of Hawaiian Affairs and this Committee is tasked to examine public lands."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I support this bill which would authorize the Board of Land and Natural Resources to extend leases of public lands for hotel and resort use upon approval of a development agreement to make substantial improvements to the property.

"Improvements to hotel and resort infrastructure are important to the growth of Hawaii as a visitor destination. However, if you are a lessee involved with a lease that will expire in a few years, there is little incentive for you to reinvest in the premises.

"This bill provides for a lease extension to enable the private sector the incentive to improve Hawaii's hotel facilities. It encourages investment, which in turn ensures that Hawaii remains competitive as a destination while providing enhancements to the visitor experience. This measure may help revitalize, for example, the Banyan Drive area on the Big Island."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1530, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 49 and S.B. No. 1555, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1555, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative C. Lee rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with some reservations with this measure. This measure purports to establish the Public Land Development Corporation to administer an appropriate and culturally-sensitive public land development program that makes optimal use of public lands for the economic, environmental, and social benefit of the State.

"Despite this three-fold projected benefit to the State, this measure mostly includes economic betterment such as conducting market analysis to determine the best revenue-generating programs for the public lands and providing leadership for the development, financing, improvement, or enhancement of the selected development opportunities.

"In a time of austerity, restoring the development function of the land department may be counterproductive.

"The Department of Land and Natural Resources (DLNR) should focus on natural resources and sustainability rather than organizing to support a new development mandate.

"However, if this effort will provide additional resources to DLNR's primary mission, I will support the proposal."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1555, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Final Reading by a vote of 40 ayes to 9 noes, with Representatives Awana, Belatti, Brower,

Hanohano, Jordan, C. Lee, Luke, Saiki and Wooley voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 55 and H.B. No. 319, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 319, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. Can I please get a ruling on a potential conflict? At my law firm I represent owners and builders who are builders. 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. 319, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 11:17 o'clock a.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1520, SD 2, HD 3, CD 1
S.B. No. 23, SD 1, HD 2, CD 1
S.B. No. 903, SD 1, HD 1, CD 1
S.B. No. 1154, SD 2, HD 1, CD 1
S.B. No. 1530, SD 1, HD 2, CD 1
S.B. No. 1555, SD 2, HD 2, CD 1
H.B. No. 319, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 75 and H.B. No. 243, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that notwithstanding the recommendations contained in Conference Committee Report No. 75, that H.B. No. 243, HD 1, SD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 243, HD 1, SD 1, CD 1, entitled "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," was recommitted to the Committee on Conference, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 57 and H.B. No. 680, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 680, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Belatti, Brower, Hanohano, Morikawa and Takumi voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 60 and H.B. No. 985, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 985, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 985. I am in favor of a strong, robust construction industry here in Hawaii, as well as a better business environment as a whole here in our State. However, I do have concerns about possibly setting the precedent of financially incentivizing unsuccessful bidders in a free market economy. Successfully winning a

bid should provide the strongest incentive to submit the highest quality design. The winning bidders should be rewarded for their ingenuity and hard work. I can support this bill because it does not automatically mandate subsidizing all unsuccessful bids. However, I do think we need to be careful to support the small business community without necessarily directly subsidizing it."

Representative Har rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. Can I get a ruling on a potential conflict, please? At my law firm I represent owners, contractors, and design professionals. Thank you," and the Chair ruled, "no conflict."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on potential conflict? At my law firm I do some counseling and representation for procurement issues. 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. 985, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 61 and H.B. No. 117, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 117, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Riviere rose to speak in support of the measure, stating:

"In support with some comments. Thank you, Mr. Speaker. When this bill left the House it was in pretty good shape. But it came back across from the Senate, in my opinion, in a very bad way. In Conference Committee we were able to fix it.

"There's one piece that's a bit ambiguous and I would like to, and that's why I'm standing now is that there is a statement that final subdivision is not included. In the Committee Report it was agreed upon that it would state that this clarification has no impact on tentative subdivision approval.

"So I just wanted to be clear for the record and in the Journal that it was the Committee's agreement that this change does not affect in any way the processing of tentative subdivision approvals regarding SMAs. Thank you."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on this measure as well, and I'd like to have remarks put into the Journal. There were a number of things that were done in Conference Committee that made it quite frustrating for the affected public to weigh in as changes and things took place, and deletions took place. And so I will be a bit more thorough in my remarks in the Journal."

Representative Thielen's written remarks are as follows:

"In favor, but with reservations. Legislators had a golden opportunity this Legislative Session to achieve two goals: update permitting for smaller projects while increasing protection for shoreline resources. The outcome? A big gift to shoreline developers, and a backroom change that took out the promised shoreline protection.

The Bill

"At first, HB 117 HD2 SD2 had promise. The purpose of HB 117 was to allow for the expeditious processing and approval of minor construction projects within special management areas (SMAs). This accelerated process was to offset construction costs and shortage of personnel in the county planning departments.

Purpose of Special Management Areas

"Special management areas are places in which coastal resources are likely to be impacted by development activities. Each county sets the boundaries for its SMA through the Coastal Zone Management Act, and SMA boundaries may range from about 100 yards from the coastline to several miles inland, depending upon how far inland development may have an adverse impact on coastal resources.

How the SMA Process Works

"In order for a project to trigger the requirement to obtain a SMA permit, a series of conditions must be met. First, the project must fit within the definition of "development." Surprisingly, under the current law, single family residences that are not part of a larger development do not trigger a SMA permit. This means that even a large oceanfront home does not trigger the SMA permit process.

"Next, the planning commission must make the determination as to whether the project has a significant environmental impact or not. This process is also complicated by a financial limit. If the project is deemed to have no significant impact and is less than \$125,000, then only a minor permit is required. But if the project will exceed \$125,000 or the planning commission determines that it will have a significant environmental impact, then a major SMA permit is required, which includes additional costs and a public hearing on the project. Both the major and minor permits enable the commissioner to attach conditions to protect the coastal resources, and may require inspections and reports describing compliance.

Amendments Under HB 117 HD2 SD2

"Until a few days ago, proposed amendments under HB 117 HD2 SD2 worked to find a harmonious balance between eased permitting and increased shoreline protection. On the one hand, legislators had amended HB 117 so that single family residences that were oceanfront were no longer exempt. This meant that oceanfront property that had the potential to impact coastal resources would have been required to go through the SMA permitting process. On the other hand, legislators increased the financial exemption from \$125,000 to \$500,000, thus allowing smaller projects, even those on the oceanfront, to avoid getting a SMA.

"But after the opportunity for public input and oversight passed, the oceanfront provision was removed and a weaker, meaner version was inserted in its place. Now, no single family oceanfront residence will trigger an SMA, and the threshold for other types of development has increased from \$125,000 to \$500,000. With these changes, development has less oversight, and the public had no opportunity to comment on proposed changes.

Where it stands now

"Legislators have now voted for weakening the permitting process while leaving loopholes intact. Shoreline residential properties, enormous castles by the sea, will avoid public comment, and the increased financial threshold will allow projects under \$500,000 to escape review. Has the process been improved? Are special management areas still protected? What started as a balance between compromise and concession has just turned into a bait and switch on shoreline protection."

Representative Keith-Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of this measure, which prudently balances updating our Coastal Zone Management Act standards with environmental concerns. This bill also facilitates smaller and less intrusive development and construction projects in special management areas.

"HB117 HD2, SD2, CD1 amends the definitions of both the Special Management Area Minor Permit and Special Management Area Major Use permit to increase the dollar amount threshold from \$125,000 to \$500,000 for distinguishing between minor and major developments which require more thorough review for coastal impacts. Such action balances concerns regarding rising development costs, the failure of the previous definition to keep pace, and the continued protection of coastal zone resources and values.

"This failure to change the threshold despite the years since the \$125,000 was established has lead to a backlog of processing Major Use permits. In addition, small business owners and homeowners have forgone maintenance and repairs entirely, fearing the more rigorous and costly process associated with Major Use Permits.

"HB117 HD2, SD2, CD1, provides a means for careful development in Hawaii to continue to keep up with demand while protecting our important coastal resources. I understand that some will remain categorically opposed to increasing the threshold or changing the definition of development to allow minor work on residences in the coastal zone. But key players in ensuring these changes do not hinder coastal zone protection will be the county and State officials implementing the coastal zone law. The changes do not apply to work that is part of bigger development scheme; land use officials will need to vigorously review whether projects proposed are not piecemeal increments of a larger development."

Representative Hanohano rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hanohano's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations. This bill is to facilitate development in Special Management Areas. This bill involves public land and was not referred to the Committee of Hawaiian Affairs which is tasked to examine usage of public lands."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 117, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 67 and H.B. No. 1230, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1230, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Tsuji rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"HB 1230, under certain conditions, waives the building permit process for the construction of nonresidential temporary or permanent structures used for agricultural or aquacultural operations.

"In Conference, we added language to indemnify the State against any liability resulting from the lack of building permits applicable to the counties, and to require the owner and/or occupier to obtain a certification that the building plans are in compliance with all applicable codes, rules, and requirements. If said structure does not meet accordance, the exemption is prohibited.

"Generally speaking, agricultural structures are treated as commercial buildings and are subject to burdensome standards that may be appropriate for large public buildings, but are excessive for farm structures such as sheds, greenhouses, and equipment housings.

"As it stands now, many of our farmers and ranchers face difficulties obtaining building permits because of prohibitive cost requirements.

"Farmers want their buildings to be safe; they do not want their insurance rates to increase. Structures covered by the exemption are not meant for public occupancy or public access. Rather these are utility-type buildings that only the farmer or farm workers will use.

"In summary, compliance with the applicable regulations has always been the building owner's responsibility and it will remain so. The changes proposed by this Bill simply aids ag businesses by mitigating burdens or delays associated with the building permit process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1230, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 69 and H.B. No. 1520, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1520, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing to speak in favor of this measure, but with some disappointment. No, not reservations. I'm in support, but just let me express the disappointments. I am in support. The measure started out to be something really positive to create an on-bill financing for solar energy and efficiency. The on-bill financing would eliminate the upfront cost of the solar, and it was a wonderful way to do this. It would be put onto your electric bill and because the electric bill, the price of your electricity each month would diminish as you were using your solar energy or your efficiency methods, then your bill will not be as much, and yet you would be paying back the cost of that new solar system or the efficiency methods.

"It made a lot of sense to do it, and we just keep taking these little baby steps. So now instead of doing it, we're saying to the Public Utilities Commission, 'PUC, you look at it. See how you can go ahead and implement this sort of program if you feel that we should go ahead with it.' Instead, we are taking the step to say, 'PUC, implement this and do it now,' which I believe we should have done.

"The Public Utilities Commission is a creation of statute. We tell them what to do. They don't establish policy. We establish the policy and the PUC carries that out. We should have given them the directive, set up the on-bill financing now because this would have taken care of the complication for so many homeowners that want to put in these energy efficiency or solar energy systems, and they could have gone ahead. The end result, the monthly bill, would not have been increased because the savings they would recoup would go toward paying off that new system.

"So now we have another so-called study, another baby step, and I'm really disappointed in that, Mr. Speaker. It's better than nothing, but that's really virtually all it is at this point. Thank you."

Representative Ward rose in support of the measure, stating:

"Mr. Speaker, I rise in support with disappointment also. Slightly stronger disappointment than my colleague from Kailua. I consider this a continuation of my speech against the budget where we did 'cake cutting,' and not cake growing, pie growing. Pie cutting. Because this was a missed opportunity, Mr. Speaker.

"This is at the core of green job creation. And basically what we've taken, as my colleague referred to the PACE Bill, the PACE Bill where in effect GO bonds fund the solar on the roof, and property taxes amortized over 20 years, paid for it. It was a win-win and Hawaii finally realizes its rhetoric that we're going to be the best in the nation, the best in the world.

"Mr. Speaker, this is such a disappointment. It even says that the PUC is to consider implementing it rather than, with the boldness of my colleague

from Kailua. We are the policy makers. We should be responsible. If we're responsible for balancing the budget, we should be able to be responsible for creating jobs and this is one of those missed opportunities, Mr. Speaker.

"We need the boldness of a country that's even smaller than one of our smaller states and that's Israel. Israel has a 99% penetration of solar energy production. You know what ours is? 25%, maybe 30 at max. We've been trying to do this for 30 years, but finally we're waking up to the oil crisis. We've got to move on this and as policymakers it's a wakeup call. 25% penetration with a \$7 billion imported oil ticket just doesn't cut it.

"Israel, case in point. You put solar voltaic on your roof, the feed-in tariff gives you 40 cents per kilowatt hour. You buy it. It's 10 cents, which means if you generate and give to the government, your solar energy, you get a 4 to 1 ratio. So the incentive is really there. The incentive of this bill is zero. In fact, even now with the feed in tariff with Hawaiian Electric, I think they end up even if you generate more than you are using, you still have to pay \$18. So where's the structure of the incentives? Why are the people of Hawaii essentially saying, 'Hey, I'm not going to go photovoltaic. It costs too much, and the agreements with our power company are too *manini*.'

"Mr. Speaker, again this is the wakeup call. When May 22nd comes around and we get hit again. I don't think the genius of our slicing the pie is going to work. We've got to create jobs. We've got to expand the pie. This is one of those opportunities and I hope the PUC will take this quickly, and take it seriously. Not sitting 6, 8, 12, 15, 16 months the way they do on some rate issues, but move on it quickly and adopt something that's aggressive and use Israel as a model and with the steel and the commitment of the Navy SEALs who can get the job done. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with some reservations. I'm just going to put it down because it is. Thank you. I just ask that the words of the Minority Leader, as well as the Representative from Kailua be entered as my own. And I'm just going to ask also that I read from a memorandum from May 2nd from Blue Planet Foundation so it may also be entered, if you don't mind?

"Thank you. I will just once again reiterate what was said in their just two first sentences.

As the unchecked rise of oil prices continue to batter our State's economy, the Blue Planet Foundation is frustrated that few transformative energy policies advanced at the Legislature this Session. In particular, we are disappointed in the failure to pass critical clean energy measures including bills to provide additional funding through the Energy Office, and existing barrel tax, establish the Hawaii Electricity Reliability Council, allow wheeling of electricity directed from producer to consumer, prohibit the permitting of future fossil fuel plants, expand the barrel tax to include coal and enact TV efficiency standards and beyond.

"So I just wanted to add that to the Journal. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support to H.B. 1520 - Relating to Renewable Energy. This bill directs the public utilities commission to implement an on-bill financing program for residential electric utility customers to finance purchases of energy efficient or renewable energy devices and systems through their regular electric utility bills. While I would prefer a more immediate implementation schedule for accomplishing our renewable energy objectives, I nonetheless endorse HB 1520 for its well-directed strides toward environmental sustainability.

"On-bill financing, which allows customers to pay for energy efficiency upgrades and solar through energy savings, would eliminate up-front costs for Hawaii's many consumers who have long sought energy efficiency but

have deemed the high initial cost an insurmountable obstacle. Indeed, a consumer Kai Holland testifies, "I've been wanting to install [a photovoltaic system] for years but simply can't afford the high up-front cost. And a lot of people I know feel the same." The Blue Planet Foundation confirms that even those consumers who may, on paper, appear able to afford solar energy may be derailed from doing so by the conversion cost. Consumer behavior researchers repeatedly find, according to Blue Planet, that consumers are "highly myopic in their purchasing decisions when it comes to energy saving technologies... even less expensive purchases, like high efficiency refrigerators, are passed over because of their initial cost." Thus, whether Hawaii converts to solar energy is no question of mere numbers, but one of psychological factors weighing on decisions.

"I sincerely hope this Legislature can devise ways for the islands to sustain themselves well into the future with more realistic energy-consumption guidelines. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"In strong support with written comments in the Journal, please. Thank you."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1520, House Draft 2, Senate Draft 2, Conference Draft 1, Relating to Renewable Energy. This bill requires the Public Utilities Commission to investigate the viability of an on-bill financing program to allow Hawaii residents to finance purchase renewable energy systems or energy efficient devices through the energy savings provided by such systems or devices.

"I support the purpose and intent of this bill as it directs the Public Utility Commission to investigate mitigating the upfront costs that can prevent residents from purchasing renewable energy systems that will reduce the need to import oil to sustain Hawaii. The Consumer Advocate noted that while some financing programs exist to help residents acquire such systems, these pilot programs have had little success. By creating a streamlined process for rate payers to add renewable power sources to their homes or reduce their power consumption through efficiency, the rate at which these new technologies are adopted should increase. Including infrastructure improvements in a preexisting payment structure prevents the rate payers of Hawaii from facing an additional bill each month and the hardships that come with additional loan payments.

"Increasing the adoption of renewable energy systems across the islands is of the utmost importance for preserving the quality of life that all Hawaii residents enjoy. Each barrel of oil burned to generate energy puts more pollutants into the air we all breathe. Each barrel of oil imported sends money out of our State and drains our economy. Each barrel of oil cannot be sold at a guaranteed rate, instead fluctuating in the wake of international activity. We cannot remove these burdens completely as members of the international community, but we can reduce the impacts to our citizens by stabilizing our energy costs through renewable energy sources.

"Finally, Mr. Speaker, this bill does not force the rate payers of Hawaii to adopt this program; this bill forces the Public Utility Commission to investigate what public good could come if such a program is implemented. Instead of mandating that all rate payers adopt a single model of financing, the Public Utility Commission will determine what will be the most effective ways to assist renewable energy system adoption and the best ways to increase energy efficiency. Once the Public Utility Commission has decided on a course of action, this bill will allow rule making without requiring further legislation. This allows the people of Hawaii to receive the benefit of on-bill financing without having to wait for the next Legislative Session.

"Mr. Speaker, for these aforementioned reasons and with an eye on the future of Hawaii's energy infrastructure, I support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1520, HD 2, SD 2, CD 1,

entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 71 and H.B. No. 484, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 484, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support and I'd like to insert written comments in the Journal. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure which requires hospitals in Hawaii to recognize and permit advanced practice registered nurses to practice within the full scope of authorized and allowable practice. Qualified advanced practice registered nurses would be able to function as primary care providers. Requesting, receiving, and dispensing of over the counter and non-controlled legend drug samples to patients under their care would also be permissible for qualified advanced practice registered nurses with prescriptive authority.

"Our citizens, especially those in rural areas, would have greater access to necessary medical care and medicine. Timely medical care helps people recover and resume optimal performance while decreasing costs due to delays in treatment. For these reasons, I ask for the Members' support."

Representative Cabanilla rose to disclose a potential conflict of interest, stating:

"I would like a ruling on a potential conflict, Mr. Speaker. I'm a nurse," and the Chair ruled, "no conflict."

Representative Cabanilla continued in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, in strong support of HB 484 SD2 CD1. Advance practice registered nurses are critical for family practice healthcare. The training of nurses has drastically changed over the years and services and care provided are now comparable to that of family physicians. Hospitals will benefit from their collaborative efforts and their authority to prescribe medication and treatments will increase access to healthcare without sacrificing the quality of care and service."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 484, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 11:30 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 680, SD 2, CD 1
H.B. No. 985, HD 2, SD 2, CD 1
H.B. No. 117, HD 2, SD 2, CD 1
H.B. No. 1230, HD 2, SD 1, CD 1
H.B. No. 1520, HD 2, SD 2, CD 1
H.B. No. 484, SD 2, CD 1

At 11:31 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:32 o'clock a.m.

At 11:33 o'clock a.m. Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:34 o'clock a.m.

Conf. Com. Rep. No. 82 and H.B. No. 747, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 747, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Kawakami rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd just like to ask for a ruling on a potential conflict of interest. Our family owns and operates a chain of minimarts," and the Chair ruled, "no conflict."

Representative Kawakami continued to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in support."

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Thank you. Can I have a ruling on a potential conflict also? I am a part owner in a convenience store chain. 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. 747, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 83 and H.B. No. 1155, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1155, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of House Bill 1155, CD 1, as a start to chip away at our costly mandatory minimum laws. Mr. Speaker, the data shows that mandatory minimum sentences, especially those for drug offenses, have been the main driver of our imprisoned population in Hawaii. Mandatory minimum sentences have come with many unintended consequences such as: One, raising correctional costs. Two, removing other less costly, more effective sentencing options from consideration. Three, increasing the burden across our criminal justice system. And four, removing the discretion of the court by turning over sentencing decisions to the prosecutors.

"Cookie cutter sentences are not justice. Mr. Speaker, we need to restore discretion to our Judiciary or the phrase, 'and justice for all,' means nothing. Mahalo."

Representative Cabanilla rose, stating:

"Mr. Speaker, in opposition to this matter, and I would like to make a few comments. I'm in opposition to mandatory sentencing, whether it's maximum or minimum, because I think that job belongs to the Judiciary system. By legislating the sentences, we are removing the flexibility of the judges, for they know the real detail of the cases. Not us in this Chamber. Thank you, Mr. Speaker."

Representative Keith- Agaran rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"I rise in support of this important measure that returns sentencing discretion back to judges and removes mandatory sentencing for certain nonviolent crimes. This measure removes some of the "property," "morals" and "drug" offense from the repeat offender statute under HRS§ 706-606.5. This measure does not affect crimes against the person, crimes of violence and crimes of a serious nature.

"HRS§ 706-606.5 subjects offenders who have certain prior convictions to non-probationable, indeterminate terms of imprisonment accompanied with prescribed mandatory minimum terms of imprisonment. Even with the passage of this measure, many offenses would remain in the statute. The offenses removed from the HRS§706-606.5 resulted from a compromise between the stakeholders. The process to get to this conference draft resulted from a long discussion between interested parties who wanted more removed from the statute, and law enforcement interests who preferred no deletions at all.

"This measure is not intended to abolish mandatory minimum. This measure does not even come close to restructuring the mandatory minimum sentencing structure. This measure does however make the first serious revision of HRS§706-606.5 that addresses unfairness in sentencing. These concerns have been repeated by many: the law is unnecessarily harsh; the law leaves judges without discretion; the law puts more poor people in jail than others; and the law allows too much power to the prosecuting authorities.

"As to the last factor, excessive prosecutorial discretion has led to long prison terms which have the very noticeable result of overcrowded prisons. Incarceration which has serious economic impact to our government should not be mindlessly handed out as sentences. We must trust our judges to fashion appropriate sentence on an individual basis. Those who merit the harshness of the court can still be subject to the full array of sentencing. This measure merely allows the court to consider the appropriate sentence. With this measure sentencing discretion transfers back to the judges from the prosecutors."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, on Stand. Com. No. 83. I would like to change my vote from a no, to yes. After I spoke with the Majority Leader, he alerted me that this is for the removal of mandatory sentencing on certain offenses. But I would like my comments and my sentiments on mandatory sentencing kept in the Journal. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1155, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Har voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 84 and H.B. No. 945, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 945, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 39 ayes to 10 noes, with Representatives Chang, Cullen, Ito, Kawakami, Keith-Agaran, McKelvey, Morikawa, Nakashima, Souki and Wooley voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 86 and H.B. No. 739, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 739, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure, House Bill 739, CD 1. Thank you, Mr. Speaker. After opposing this measure at all four hearings for this bill, it gives me great satisfaction that the final bill before this Body was drafted by the Department of Human Services. I personally want to thank DHS Director Patricia McManaman and Deputy Director Pankaj Bhanot for their fine work and dedication to this bill. They wrote this bill. The final draft before us. I remember in one of the hearings, Panjak Bhanot had jokingly said, 'Take a chance on me,' and today it's come to fruition. I also want to thank the Attorney General's Office for their kind review and stamp of approval for this bill.

"Mr. Speaker, the hospitals in our State lose between \$70 million to \$100 million. This is annually. Every year they lose this. The reason for this is because they have formerly acute care patients who no longer need acute care. They're medically ready to leave the hospital, Mr. Speaker. But what happens is that you have a vast number of these patients wait-listed. They are not able to move them efficiently out to long-term care. This is key for us to save hospital costs, and reduce substantially the millions of dollars that is spent every year on these wait-listed patients. And if we can get them to community-based care homes, perhaps allow them to age in place, or even to have them in a private nursing institution it will still save State hospitals millions of dollars.

"Mr. Speaker, I will briefly go through what this bill does and I actually believe this is a consumer protection bill. I'll tell you why. First of all, the community care family foster home must be certified and in operation for at least one year before they can take in the third client. Basically they have two clients right now. One private, one Medicaid client. And there's no time limit. They can get a third client subject to simple approval by the Department of Human Services. This bill ensures that before they make that jump to the third client they have to be in operation for at least one year.

"Second, this bill requires that the primary caregiver is a certified nurse aide. Third, the requirement that the primary and substitute caregiver must be age 21 or older. Fourth, the substitute caregiver may be a nurse aide, provided that the nurse aide's hours will be limited to five hours a day or no more than 28 hours per week. Fifth, this bill mandates that the substitute caregiver have at least one year experience in a community residential healthcare setting or medical facility. And finally, this bill mandates that the nurse aide completes a minimum of 24 hours of continuing education every two years. This is the same requirement as our certified nurse's aide. It's the same requirement. The only difference is that the CNAs are required to take an examination. They pass that examination, and that's the only difference.

"Finally, Mr. Speaker, this bill will provide greater consumer protection for our elderly and disabled. As stated earlier, this is to save our State hospitals millions of dollars. In fact, the Department of Human Services pays \$25 million in supplemental payments every year to our hospitals. Today the House of Representatives will have the opportunity to provide greater healthcare to our elderly and disabled, and to reduce millions of dollars in cost to the hospitals in Hawaii. Therefore, I ask all Members to support the passage of House Bill 739, Conference Draft 1. Thank you."

Representative Cabanilla rose in support of the measure and asked that the remarks of Representative Mizuno be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Morikawa rose in support of the measure with reservations and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morikawa's written remarks are as follows:

"With reservations. This is a good measure to provide additional care facilities for our elderly and disabled patients. I would be concerned about the language barriers. If passing an exam for licensing is not possible due to language barriers, can the patient or caregiver understand each other?"

Representative Awana rose in support of the measure and asked that the remarks of Representative Mizuno's be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative M. Lee rose 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 739 regarding community care foster family homes.

"The purpose of this bill is to amend the current Community Care Foster Family Home caregiver requirements to specify that if the CCFFH's approved for a maximum of three clients the primary caregiver must be a certified nurse aide and the substitute caregiver must be a nurse aid.

"Because the substitute caregiver assumes the responsibilities of the primary caregiver whenever the primary caregiver is absent from the home, the substitute caregiver must have the same qualifications as the primary caregiver in order to adequately care for the needs of the clients. For the health, safety and welfare of each client residing in the CCFFH, the substitute caregiver must be as knowledgeable and competent as the primary caregiver. However, the competency level and the ability to pass the certificate test are often not in sync because of language access issues.

"Testimony provided asserts that not only is the certificate exam quite expensive, but also only given in English. Consider that a large number of CAN's do not speak English as a first language; it would be wise for the department to provide an alternative exam. Certificate for all CAN's should still be a desired goal. I urge the Members' to support this bill."

Representative Takai rose in support of the measure with reservations and asked that the remarks of Representative Morikawa be entered into the Journal as his 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. 739, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Final Reading by a vote of 40 ayes to 9 noes, with Representatives Belatti, Hanohano, Keith-Agaran, C. Lee, Luke, Nakashima, Nishimoto, Takumi and Wooley voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 87 and H.B. No. 605, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 605, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support with a brief comment. The passage of this bill will allow our State Fire Council to continue to improve the reduced ignition propensity cigarette program. The goal is to make our State safer and prevents fires. Thank you."

Representative M. Lee rose 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 the measure. The primary mission of the State Fire Council is to develop a comprehensive fire service emergency management network for the protection of life, property and the environment throughout the State of Hawaii. This bill establishes a Reduced Ignition Propensity Cigarette (RIPC) program special fund to administer and provide staff for the Council.

"The SFC, which is comprised of the four county fire chiefs, is responsible for amending and adopting the State Fire Code, applying for and administering federal fire-related grants, and implementing and administering a statewide RIPC program. It is important to note that the purpose of the RIPC program is to reduce the number of fires caused by cigarettes in the State. The SFC indicated in its 2008 report to the legislature that there were 438 fire incidents attributable to cigarettes in the

State of Hawai'i from 2001-2006 causing approximately \$1.4 million in property damage. We need to do all we can to protect life and property from fires caused by cigarettes. Ensuring that the Council has the funds needed to sustain the RIPC program is a step in the right direction. I urge the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 605, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 88 and H.B. No. 1085, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1085, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise to speak in opposition. My reservations about this bill are because we should not be making amendments to the medical marijuana program in a housekeeping bill meant only to bring us into compliance with federal law, which ironically, does not allow medical marijuana.

"Aside from my procedural concerns, I disagree with a \$10 increase in the Department of Public Safety's medical marijuana program and the use of the monies for additional staff.

"I don't support the medical marijuana program because it facilitates the use of an illegal narcotic. This fee increase will only help to perpetuate the program. If there's one thing we've all learned this year, it's that once you put money and personnel into a program, it's very hard to get the money back out. It's harder still to ever shut down the program entirely. In a word, if we provide more money, the program becomes dependent or addicted to that money. For these reasons I vote no. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1085, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Marumoto voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 92 and H.B. No. 688, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 688, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in strong support and would like to submit written comments."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support. The public has approached the Legislature for many years to address this serious issue. Although this measure has been watered down substantially, I am happy to see that we are moving in the right direction with the passage of this bill. In addition, it is my hope that a more conscious approach by the Department of Education with the oversight from the Board of Education will pay attention to those individuals engaging in bullying or harassment in schools, as well as students who are the recipients of such behavior. Children should not be exposed to these activities where learning needs to be the focus. The components of a classroom should consist of competent educators and students willing to learn in a violent-free environment. We must not have it any other way. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 688, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 11:48 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 747, HD 1, SD 2, CD 1
H.B. No. 1155, HD 1, SD 1, CD 1
H.B. No. 945, HD 2, SD 1, CD 1
H.B. No. 739, HD 2, SD 1, CD 1
H.B. No. 605, HD 2, SD 2, CD 1
H.B. No. 1085, HD 2, SD 2, CD 1
H.B. No. 688, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 93 and H.B. No. 491, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 491, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support and ask that written comments be entered into the Journal."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support. The City and County of Honolulu Police Department is accredited. The County of Maui Police Department is accredited. The Hawaii State Sheriff Division is not accredited. Something is wrong with this picture and this bill takes steps to address this disparity. With the title of being an accredited institution, comes the opportunity for qualified funding sources which are currently not available. Proper training, adequate equipment and necessary supplies to allow this department to function properly is part of this accreditation. Although no funds have been allocated in this measure, an audit has already been completed which will provide the department with guidance and direction to help pave the path for successful accreditation. HB491 will help our State law enforcement division at a time when monies are tight and the ability to operate efficiently is paramount. Thank you, Mr. Speaker."

Representative Fontaine rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. I also stand in strong support of this measure, HB No. 491. It's long overdue that the Sheriff's Department come up to speed with the rest of the State in terms of improving themselves to becoming accredited. I strongly support this and encourage the other departments from the Big Island and Kauai to also look at accreditation as well. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 491, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 96 and H.B. No. 1286, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1286, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 97 and H.B. No. 301, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 301, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

**Conf. Com. Rep. No. 102 and S.B. No. 1328, SD 1, HD 2, CD 1; and
Conf. Com. Rep. No. 103 and S.B. No. 1329, SD 1, HD 2, CD 1:**

Representative B. Oshiro moved that the reports of the Committees be adopted, and that S.B. No. 1328, SD 1, HD 2, CD 1; and S.B. No. 1329, SD 1, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Riviere rose to speak in support of both measures, stating:

"In support of Conf. Com. Rep. Nos. 102 and 103 and I'd like to submit written comments, please."

Representative Riviere's written remarks are as follows:

"I generally oppose fee and tax increases and I would have opposed the vehicle registration fee increases in SB 1328 and SB 1329, if it were not for the fact that our highway funds are severely depleted. Our roads are in terrible shape. The Department of Transportation recently noted that the highway repair fund has about \$20 million, but it needs \$85 to \$115 million to operate effectively.

"Some have argued that the current funding crisis is directly related to the legislative decision to raid highway funds to balance the budget in 2002. Not only were the State moneys taken out of repairs, but matching federal funds were never received, so that decision was doubly punitive to a very necessary State function.

"Still, the question today is how to go forward. Highway funds have traditionally been generated by gasoline taxes. How should the roads be maintained if more and more cars run on electricity and do not buy gasoline? While one could argue that we should not add an additional financial burden on to our residents at this time, I think we have no choice but to replenish the highway funds, which will be matched with federal money.

"I reluctantly support these bills because we have to fix the roads. I will oppose any attempt to raid these funds in the future."

Representative Johanson rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. In opposition. I think I want to start off with my remarks on this measure and also the following measure stating that I, like everyone else in this Body, clearly would like to support the improvement of our roads and highways. I don't think that's in debate with any of us, and that certainly is long overdue.

"My principle opposition to both of these measures is that I truly believe that they will exacerbate the cost of living at a time when most of our constituents can least afford it, especially if you contextualize this particular fee increase which is a \$20 increase in addition to the next fee increase that we'll be talking about merely for the continuation of the privilege of going to get your groceries, going to work, dropping your kids off at school. These are basic life necessities. This is a broad-based fee increase, and when you contextualize it with the City and County may increase fees depending on what you do or don't do, based on other measures that this Body is considering.

"The cost of living is going to go up, and I heard from quite a few constituents in my district, and most of them have said it's not an additional cost of living increase that they can absorb. And so for those reasons, as much as I would like to support this, I do believe that perhaps at a different time this measure would be a lot better. Certainly a well-

intended measure, but I just think the timing of this particular cost of living increase is just too much for some of my constituents to bear. So for those reasons, I would be voting no on these measures. May I also have additional written comments in opposition. Thank you."

Representative Johanson's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to SB 1328. I have spoken previously on this and similar measures before us and will reiterate my strong concerns with this bill. While I believe the State must work to improve our roads and highways, I think this measure is one that my constituents simply cannot afford at this time. This measure increases the vehicle registration fee of \$25 to \$45, a \$20 total increase for taxpayers. These are difficult times for everyone in Hawaii; this fee increase will add to the cost of living for my constituents because it is such a broad-based tax increase. I would also like to point out that had the Legislature not previously raided the Highway Fund, this measure would be unnecessary. Unfortunately, while I understand the intent of this measure to raise revenue for the State Highway Fund, it places too big of a financial burden on all of our drivers at a time when the people of Hawaii are struggling."

"Mr. Speaker, I also rise in opposition to SB 1329. As I have said on previous versions of this bill, I do recognize and agree with the intent of this measure to improve our roads and highways. However, I do not think our constituents can afford a widespread fee increase such as the one proposed in this bill. This measure calls for an extra cent increase per pound for most vehicles and a flat fee of \$150 increase for large commercial vehicles over 10,000 lbs. These significant tax increases exacerbate our constituents' already high cost of living, merely for the privilege of continuing to drive. This vehicle weight tax increase could be truly damaging to families, businesses, seniors and those individuals barely managing to make a living in Hawaii."

Representative Fontaine rose in opposition to both measures and asked that the remarks of Representative Johanson be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Morikawa rose in opposition to both measures and asked that her written remarks and the remarks of Representative Johanson be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Morikawa's written remarks are as follows:

"In opposition to SB 1328. I am concerned about the costs to own a vehicle. With the price of gasoline going up and up, and additional taxes and fees we are proposing, some people will not be able to keep a vehicle. I could support this if it was a temporary measure, just to replenish the Highway Fund, but history has shown that these funds could be raided for other purposes."

"In opposition to SB 1329. I agree that heavier vehicles cause more damage to highways, but I have concerns again about the additional tax on people. Now is not the time to levee this high increase on people, State and county governments need to be more efficient on how they plan their improvements."

Representative Ichiyama rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ichiyama's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of SB 1328. This bill proposes to increase the motor vehicle registration fee from \$25 to \$45, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT) relies on the Highway Fund to implement its strategic plan for highway improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the numerous potholes on the on-ramp to the H-1 by Mapunapuna. We use this on-ramp daily, often swerving from side to side to protect our cars, trucks and vans.

The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. Thank you, Mr. Speaker."

"Thank you, Mr. Speaker. I also rise in support of SB 1329. This bill proposes to slightly increase the motor vehicle weight tax, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT) relies on the Highway Fund to implement its strategic plan for highway improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the numerous potholes on the on-ramp to the H-1 by Mapunapuna. We use this on-ramp daily, often swerving from side to side to protect our cars, trucks and vans. The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of both measures, stating:

"Yes, Mr. Speaker and Members of the House. I'm speaking in favor of this measure. I am kind of surprised that some of the Members have disagreements in paying for increases in vehicle registration for the improvements of the highways. I think we all must understand that we have one of the worst highways in the nation. It's in the bottom ten, and getting worse every day. The revenue situation for highways is not getting any better. It's based on the federal tax, the gasoline tax. We are using less gasoline now. People are conserving their driving time and purchasing less gasoline. Cars are smaller, and that affects the vehicle weight tax. So a combination of these items, smaller cars and less driving impacts the revenue from taxes. And the share that we get from the federal government which is based on the gasoline tax becomes less, and less, and less.

"We all benefit from highways whether you're from Maui, or Kauai. You fund your highways through taxation, gasoline taxation. You don't get it from the air. It just doesn't appear there. And so what we are trying to do with these two measures, this and the following measure, is to get enough revenue so we can go on a 20 to 80, or 25 to 75 match with the federal government to take care of our highways, and our bridges. We can include of course, some of the new highways, which in some areas here in Honolulu are badly needed because of the traffic situation.

"Without this revenue, without this additional revenue, you are not going to get your highways fixed. This is not a threat. This is a promise. We need the revenue to match with the federal government for the dollars that are coming in to repair, to maintain, to fix our roads and bridges. All of these items need to be done. You need to fix the potholes. You drive anywhere in Honolulu and you've got potholes all over the place. They don't have the revenues to fix it up.

"So good Members, realize this. You need to pass these measures in order to get the revenue so we can maintain the highways. We're going to

be looking like a third rate country when we have all the foreign countries come in the fall for APEC. They will be traveling through the highways with the potholes. We will be the host to all these countries coming in. We can do better. We should do better. Please vote for these measures."

Representative Cabanilla rose to speak in support of both measures, stating:

"In rise in favor of these measures, Mr. Speaker. I would just would like to say that as a Representative from the West Side where there's a lot of infrastructure needs because of the growing population, I support that we should put more money into the Highway Fund.

"I do understand the sentiment of my colleague from Moanalua, and I understand where he's coming from. But we always say, you need to 'pay to play' and this is something that our people need. So we need to make these hard decisions so we can deliver. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, rise in strong support. Just a couple of points to be made. This increase of \$25 to \$45 per year will go into the State Highway Fund. According to the DOT, the increase in the vehicle registration fee will raise about \$22.9 million for the Highway Fund. If you break that down at \$20 per car on a monthly basis, that will be an increase of about \$1.65 a month, or about the cost of a tall coffee at Starbucks, or 5 Jamba Juices over a year.

"Mr. Speaker, I also acknowledge the fact that for that amount of money, about \$1.60 a month it will go towards maintaining and repairing the pavement and shoulders of the State-owned roads, repairing and maintaining bridges and other structures, fencing and walls, drainage systems, traffic signs, guard rails, highway pavement markings, highway lighting systems, sidewalks, wheelchair ramps, landscaping, irrigation systems, the cleaning of the streets, restoring of State highways after mud or rock slides, prevention of flooding due to heavy rains, accident remediation, and other catastrophic events.

"Mr. Speaker, as alluded to by the Representative of Waipahu, the registration fee should be viewed as an admission charge for the privilege of being able to drive and enter the State highway system. The fee was last raise in 2004, and not for highway maintenance, but rather for emergency medical services.

"Finally, Mr. Speaker, this is where the rubber meets the road. The DOT needs the money for the routine operation and maintenance of the State highway system of about \$115 million per year. This goes towards that by raising about \$23 million. This, in combination with the next bill, will raise about \$54 million for the State highway system.

"May I ask for further remarks to be entered into the Journal. Thank you."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of Senate Bill No. 1328, Conference Draft 1, Relating to Motor Vehicle Registration. This bill increases the Motor Vehicle Registration Fee from \$25 to \$45, and directs the funds to the State Highway Fund.

"The increase in the motor vehicle registration fee is estimated to provide an additional \$22.9 million annually for the State Highway Fund and combined with the increase in the State Vehicle Weight Tax contained in SB 1329 CD1 the fund will see a revenue gain of \$54,900,000. The Department of Transportation testified that over \$115 million is needed for routine operation and maintenance of the State highway system, which is essential to the health, welfare, and safety of the motoring public. These funds will greatly assist the Department's ability to construct, operate and maintain the State highway system.

"The funds generated are used for maintaining and repairing the pavement and shoulders; bridges and other structures; fencing and walls;

drainage systems; traffic signs; guardrails; highway pavement markings; highway lighting system; sidewalks and wheelchair ramps; landscaping and irrigation systems; cleaning the streets; and restoring State highways after slides, storm damages, accidents, and other catastrophic events. Additionally, operations and maintenance activities on Oahu includes a 24-hour, 7-days-a-week schedule, a traffic management center, all mechanical, electrical, electronic, plumbing and drainage, ventilation, traffic monitoring and control, and fire control systems in our major tunnels.

"Mr. Speaker, the Highways Division has changed its resurfacing cycle for State highways from an average of once every 10 years to once every 14 years due to a shortage of funds. Studies have shown that after 10 years the pavement condition deteriorates at an accelerated rate. The overall condition of the State highway system has deteriorated because of the reduced Special Maintenance Program funding and to date the department has not caught up with its resurfacing program. As the highway pavement deteriorates, the cost increases exponentially. Potholes and cracks continue to grow, damaging cars and trucks and forcing the public to pay for these damages to their individual vehicles instead of paying towards repairing the road; in some cases the State ends up paying for the damages. Last session the Legislature passed Act 98 (Claims Against the State) which included two settlements to be paid by the Department of Transportation's Highway's Division. The two settlements came out to \$100,000. In both instances the State was found ineligible due to its inability to properly maintain its roadways and storm drains.

"Finally Mr. Speaker, the fuel tax is the highway fund's largest revenue source; with the cost of gas rising every week many car owners may begin to change their driving habits. Some drivers may begin to catch the bus to work or carpool and some may even trade their gas guzzlers and upgrade to smaller more fuel efficient vehicles, hybrids or electric vehicles. With the automotive industry moving to producing more fuel efficient "green" vehicles and the increasing cost of a barrel of oil, the State will see a decrease in its fuel tax revenue and thus fewer funds for the highway fund. The State must seek alternative revenue sources for the highway fund if it is to properly maintain its roadways. Increasing the registration fee is one solution. The fee can be viewed as an admission ticket that motorists must pay to utilize the State highways and roads. Every vehicle has an impact on the wear and tear of the roadways, and as the number of vehicles on the road increases, the amount of money needed to maintain a healthy traffic corridor increases. Having each motorist contribute some funds to the State Highway Fund is a reasonable expectation and allows the State to keep the roads in the good condition the citizens of Hawaii deserve.

"Mr. Speaker, for these aforementioned reasons and with an eye on the need to maintain Hawaii's highways, I support this measure."

"Mr. Speaker, I also rise in support of Senate Bill No. 1329, Conference Draft 1, Relating to Motor Vehicle Weight Tax. This bill increases the Motor Vehicle Weight Tax and directs the funds to the State Highway Fund.

"The increase in the State Vehicle Weight Tax is estimated to provide an additional \$32.9 million annually for the State Highway Fund and combined with the increase in the motor registration fee contained in SB 1328 CD1, the fund will see a revenue gain of \$54,900,000. The Department of Transportation testified that over \$115 million is needed for routine operation and maintenance of the State highway system, which is essential to the health, welfare, and safety of the motoring public. These funds will greatly assist the Department's ability to construct, operate and maintain the State highway system.

"The funds generated are used for maintaining and repairing the pavement and shoulders; bridges and other structures; fencing and walls; drainage systems; traffic signs; guardrails; highway pavement markings; highway lighting system; sidewalks and wheelchair ramps; landscaping and irrigation systems; cleaning the streets; and restoring State highways after slides, storm damages, accidents, and other catastrophic events. Additionally, operations and maintenance activities on Oahu includes a 24-hour, 7-days-a-week schedule, a traffic management center, all mechanical, electrical, electronic, plumbing and drainage, ventilation,

traffic monitoring and control, and fire control systems in our major tunnels.

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"Finally Mr. Speaker, the fuel tax is the Highway Fund's largest revenue source. With the cost of gas rising every week many car owners may begin to change their driving habits. Some drivers may begin to catch the bus to work or carpool, and some may even trade their gas guzzlers and upgrade to smaller more fuel efficient vehicles, hybrids or electric vehicles. With the automotive industry moving to producing more fuel efficient "green" vehicles and the increasing cost of a barrel of oil, the State will see a decrease in its fuel tax revenue and thus fewer funds for the Highway Fund. The State must seek alternative revenue sources for the Highway Fund if it is to properly maintain its roadways. Increasing the weight tax is one solution. The weight tax can be viewed as a required contribution by motorists that reflects the size vehicle they decide to utilize and the impact that that vehicle has on roadways. Larger vehicles contribute more to the deterioration of roadways than smaller vehicles, and therefore contributing more to help maintain those roads is very reasonable. The State Weight Tax has not increased since 1991, while the cost of materials has gone up significantly. This increase is essential to providing a safe and healthy traffic corridor across our islands.

"Mr. Speaker, for these aforementioned reasons and with an eye on the need to maintain Hawaii's highways, I support this measure."

Representative Ward rose to speak in opposition to both measures, stating:

"Mr. Speaker, I rise in opposition of this measure and the following measure thereafter. Mr. Speaker, I learned a Third World joke about roads, and drinking, and potholes in Uganda while working for the UN. They said, 'How do you know the difference between a drunk driver and a sober driver by just watching them go down the street?' And the response is, the drunk driver is the one who comes straight at you. The sober driver is the one who dodges the potholes.

"And I think increasingly we are seeing people of Hawaii dodging the potholes because there are so many. People know I represent the Hawaii Kai area. We are also a Third World nation in terms of our potholes. It's embarrassing, but yet I would remind the good Representative from Maui that the sins of the father visit the sons. The generation of Representatives who raided the Highway Improvement Fund to fix the roads, took the money and ran, and now we're paying the debt for that. So we shouldn't be surprised that the roads are in such bad shape because it was this Body, this policymaking body in the '90s that took that money away.

"Mr. Speaker, the problem with this thing is, having cited the Hippocratic Oath, I'll cite it again. Do no harm to Hawaii's families. This is going to hurt Hawaii's families big time because it's on top of, I don't care how many Starbucks or coffees you can compare it to, this is real money taken, nickel, dime, dollar by dollar to where we have almost the highest cost of living in the nation and this is going to push some over the top.

"I go back to the mantra of this morning. We need to create more jobs. We've had the opportunity in the green sector. We need to stimulate the economy. We need to grow the pie. Grow the pie, Mr. Speaker. The

bottom line is we need to refocus and get more job creation. We need to know that we can do this. We need to know all of our assets and we can take this and do better than what we have here increasing the taxes on the people of Hawaii just to get in the car. To be free to go to work and do basic, basic, basic things, which we shouldn't have to tax increasingly for them to do that. Thank you."

Representative McKelvey rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I stand in support. I would like the written comments of the good Vice Chair of Transportation, as well as the eloquent written comments of the Chair of Transportation and the Chair of Finance entered in the record as if they were my own.

"I won't call it a rebuttal because I agree with a lot of what the previous speakers had to say, especially on growing the pie, but that is a different conversation. The conversation here revolves around the roads and about two things. One is that we can get from the federal government 80%, that's 80 cents on every dollar to fix our roads and improve them. And the list given by the good speaker of Finance is accurate and true, but to dumb it down, or to bring it down to the street level vernacular, we're talking about things such as the lighting system to stop our *kupuna* from being hit, which made us the number one fatality state. We're talking about potholes and degradations of the roads that you can check online. Talk to the automotive association about the impact that that has on your cars, Mr. Speaker. The wear and tear of brakes, tires, and other things is really going to hit the consumer in the pocket. Bottom line, if we can fix the roads, then the consumer will not be paying more from the pocket for wear and tear, in addition to the fuel prices and everything else.

"What is also happening is the feds are saying, 'We will give you 80 cents on your dollar, Hawaii. We will pick up 80 cents of every dollar spent for your roads if you can merely provide the 20 cents.'

"Now I wasn't around in the 1990s like my good friend from East Oahu, so, the fact of the matter is that I can't speak to that Legislature, or the decisions they faced that time. But we're facing decisions today in this world, in reality. And I don't like having to do this either. But if we're going to get the revenue we need to get 80 cents for our 20 cents, if we're going to be able to fix all the roads so that when APEC comes here they don't see, as the good previous speaker said, a Third World Country, they will see a state of the art, emerging power player in the middle of the Pacific Ocean that is a world leader in many fields. And finally, the consumers won't be going over, and over again to Manny, Moe, and Jack to get more tires, replacement hoses, and all the other things which will really add up in the long run.

"So I know it's controversial. I know it's very problematic. But all I ask is you look at what was said in the invocation today, the hierarchy of needs and the infamous balancing test. At the end of the day, our consumers are going to come out ahead because of the 20 cents we're asking them for. Or do we say no and lose the 80 cents and nothing happens, and then the consumers pay for it anyway. That's all I have to say, and again in support. Thank you, very much."

Representative B. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support. I think it's important to go through some historical notes so we see why we are where we're at. The Minority Leader referenced the sweeps that were taken from the Highway Fund, but the last time that was done was back in 2002 so it's been nine years actually since there's been any sweeps from the Highway Fund. So during those nine years the question is, what is the problem? Why have the revenues not been able to meet up with the needs?

"And for that I would point to a 2007 study financed by the Reason Foundation, which actually found that in 2005, Hawaii spent the fifth highest amount of money to build and maintain each mile of highway, but we also had the fifth highest percentage of bridges and roads in poor condition, and the fourth highest percentage of narrow rural lanes. So basically what this study found was we're paying the most amount of

money, but getting the least amount of return. There are a host of problems, but I think that is probably why we are in many ways finding ourselves where we are today.

"But the other thing I would like to point to, and I would like to suggest that Members read the NCSL magazine that came out in March 2011 where they specifically talked about the highway fund problem that is facing all of the states across this nation. Back when President Obama signed a federal stimulus package in 2009, it did inject \$48.1 billion, but that money has disappeared. The ARRA Clift as we all know has come and gone, and things have fallen off. And so instead what states had to do was really start to look at what's going on. The findings from this article, as well as some recent reports, I think are very, very telling.

"In recession, driving declines. And overall, driving coupled with the larger numbers of fuel efficient vehicles have resulted in lower gas tax revenues. At the same time, the cost of building and repairing roads continues a steady climb, and that really echoes what the Speaker Emeritus was talking about as to why we need to actually have some revenues injected into our Highway Fund.

"But the other thing that I did find telling was another quote by a study that said, 'The systematic failure of current financing has made clear that the traditional approach to highway, road, street, and bridge maintenance and construction is in its present form no longer sustainable when measured against a changing economic and technological environmental erosion of purchasing power and continuing escalation of the costs.'

"And so I will highly suggest that Members take the time to read this article. I found it very telling as to why we need to actually start looking and going down this road because unfortunately, the current status that we have is unsustainable and therefore we do need to look at other sources of revenues if we are going to have safe roads and safe bridges so that our constituents can travel on them and not have to worry about public safety; that they can actually travel on them and not worry about having to avoid these potholes; and be able to travel on them and avoid getting in additional accidents. We have the power to avoid and mitigate these, and for that reason, I stand in support."

Representative Brower rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. In token opposition. Thank you. There's a lot of what the Majority Leader said, and others have said, that I agree with. But I want to remind Members that just because you have a car, it doesn't mean that you drive that car a lot. And if the funds raised are to repair roads, I say we begin to charge people by how much they drive, because I don't think I should be paying as much to register a vehicle if I drive it four times less than others, if the intention is for these monies to be used to repair roads.

"And I, like many others in the Chamber and in town make choices and sacrifices to live in town. We have less amenities at home, or a smaller yard, or not a neutered dog at all. And so we should be keeping that in mind and not raise the price because it's getting closer to a thousand dollars than \$200 as when I first was driving. Thank you."

Representative Awana rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support. I'd also like to ask that the words of wisdom from the Representative from Lahaina, as well as from Aiea Heights be entered into the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Hashem rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hashem's written remarks are as follows:

"Thank you Mr. Speaker, I rise in support. This bill proposes to increase the motor vehicle registration fee from \$25 to \$45, the proceeds going into the State Highway Fund. The State Department of Transportation (DOT)

relies on the Highway Fund to implement its strategic plan for highway improvements across our islands. It is essential for the safety of our residents and visitors that our roads, bridges and sidewalks are maintained in good condition.

"Many of my constituents have expressed concerns about the condition of Kalanianaʻole Highway. We use this daily, often swerving from side to side to protect our cars, trucks and vans. The Director of DOT testified that due to insufficient amounts in the Highway Fund, they have extended the repaving schedule of our roads to every 14 years instead of the recommended 10 years. DOT is focused on repair and maintenance, not new projects, as we cannot sustain the current system. Ideally we should be spending \$86,000,000 each year on maintenance for our highway system, but the Highway Fund does not even come close to that amount. Having a low balance also negatively affects our ability to qualify for federal matching money for highway projects.

"I understand the financial pinch that many of our local families are feeling, but this is a demand that we cannot ignore. A failure to maintain our highways results in reduced road space, deteriorating infrastructure, increased accidents and increased liability. Thank you, Mr. Speaker."

Representative McKelvey rose to respond, stating:

"Thank you. In support. Just a slight rebuttal to my good friend over there. There's no 'I' in 'We'. Thank you, very much."

Representative Ching rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I'd just like to also rise in opposition and ask that the words of the Minority Leader and the Representative from Moanalua be entered as my own.

"Thank you, Mr. Speaker. I do believe that the skyrocketing cost of living, with the fact that people have been laid off, they may need to take on second jobs, they may need to be travelling more. This is going to really affect them deeply. Thank you."

Representative Wooley rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. In opposition. I just want to make a couple comments. DOT's funding is all special funding or federal funding and as a result, the Legislature has very little influence over their budget or how they spend their money. We may set policy, but if you've ever seen that bumper sticker 'ainokea,' I think that's kind of the sense I get from DOT.

"And my concern, in particular, is the focus on their spending has been on single occupancy vehicles only. Year after year, they've turned down money from the federal government for safe routes to school. Year after year they refuse to build paths, multi-use paths, despite the fact that the federal government has encouraged us to move in this direction, despite the fact that it would be a wonderful, safe alternative for so many people, and it would actually encourage us to be healthier.

"So I stand in opposition and I just want to emphasize that DOT's budget does need help. I do agree with that. However they need to spend their money more efficiently, and they need to spend their money for the community and for the needs of the State. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and S.B. No. 1328, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Final Reading by a vote of 31 ayes to 18 noes, with Representatives Belatti, Brower, Ching, Cullen, Fontaine, Hanohano, Har, Johanson, Keith-Agaran, C. Lee, Luke, Marumoto, Morikawa, Nishimoto, Takai, Thielen, Ward and Wooley voting no, and with Representatives Carroll and Pine being excused; and

S.B. No. 1329, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX," passed Final Reading by a vote of 33 ayes to 16 noes, with Representatives Aquino,

Belatti, Ching, Cullen, Fontaine, Hanohano, Johanson, Keith-Agaran, C. Lee, Marumoto, Morikawa, Takai, Thielen, Ward, Wooley and Yamane voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 105 and S.B. No. 52, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 52, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee rose 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 this measure which requires convicted persons in the first degree of violation of privacy and promoting prostitution to register as sex offenders. This bill will also be retroactively applied.

"According to section 711-1110.9 of the Hawaii Revised Statutes, "Violation of privacy in the first degree is a class C felony. In addition to any penalties the court may impose, the court may order the destruction of any recording made in violation of this section." This section also states that, "A person commits the offense of violation of privacy in the first degree if, except in the execution of public duty or as authorized by law, the person intentionally or knowingly installs or uses, or both, in any private place, without consent of the person or persons entitled to privacy therein, any device for observing, recording, amplifying, or broadcasting another person in a stage of undress or sexual activity in that place."

"The "Video Voyeurism Prevention Act of 2004" was also passed to amend the United States Code to include the fine and/or imprisonment of up to one year for perpetrators intending to and committing acts of videotaping, photographing, filming, recording by any means, or broadcasting an image of an individual's private area without their consent and against their reasonable expectation of privacy.

"The violation of privacy in the first degree is not only a punishable crime, but a traumatizing emotional offense on the victim. With technological advances and the social network, the accessibility of viewing private images can continue long after the image is captured. Unfortunately, the victims must live with the consequences and reminders of another person's crime against them.

"The registration of convicted persons in the first degree of violation of privacy and promoting prostitution as sex offenders is imperative to help deter future crimes of this nature. As legislators, we need to protect our citizens and ensure that our privacy is not violated. For these reasons, I ask the Members' support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 52, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 106 and S.B. No. 1274, SD 2, HD 3, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1274, SD 2, HD 3, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm speaking against Senate Bill 1274. Thank you, Mr. Speaker. I'm just going to quote some brief comments from an Ewa Beach resident who sent this to me.

This bill is taking away the rights of Medicaid patients to challenge the medical "opinions" of personnel who are paid for by the insurers who are focused on their medical loss ratio, the MLR. This bill has nothing to

do with improving the cost structure of the State of Hawaii – this is simply to stop the challenges against the insurers and Department of Human Services when it comes to providing the medical standard of care for patients with diseases. By eliminating the external review, this simply grants the insurers and DHS a referendum to deny as much as they would please to all Medicare patients, as there would no longer be any checks and balances.

Too many times insurers make improper denials – too many times DHS backs them up – and too many times it is either in the courts or at the external review that the medical evidence is finally able to see the light of day to overturn the original improper denial.

"And then he concludes:

Hawaii would be first to implement such a repeal – not exactly something to claim with pride.

"I would encourage other members to join me in voting against this measure."

Representative Morikawa rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morikawa's written remarks are as follows:

"In support. This measure is to adopt a uniform standard for the external review process and is based on the Uniform Health Carrier External Review Model Act. I quote from the Committee Report, "the enactment of the amendments to Hawaii's Patients' Bill of Rights and Responsibilities as contained in this measure is necessary to ensure that Hawaii remains in compliance with federal law." It is under this premise that I support this measure."

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. May I have a ruling on a potential conflict? I broker health insurance," and the Chair ruled, "no conflict."

Representative Takai continued in opposition to the measure and asked that the remarks of Representative Thielen be entered into the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, may I have a ruling on a potential conflict on Conference Committee Report 106? At my law firm, they do representation of insurers in some of these administrative matters, but I don't handle any of them. 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 S.B. No. 1274, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 43 ayes to 6 noes, with Representatives Belatti, Hanohano, Rhoads, Takai, Takumi and Thielen voting no, and with Representatives Carroll and Pine being excused.

At 12:18 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 491, HD 1, SD 1, CD 1
H.B. No. 1286, HD 2, SD 1, CD 1
H.B. No. 301, SD 1, CD 1
S.B. No. 1328, SD 1, HD 2, CD 1
S.B. No. 1329, SD 1, HD 2, CD 1
S.B. No. 52, SD 1, HD 1, CD 1
S.B. No. 1274, SD 2, HD 3, CD 1

The Chair then announced:

"Members, we will recess until 1:15. We will take a break for lunch and be back at 1:15."

At 12:18 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:22 o'clock p.m.

At 1:23 o'clock p.m. Representative Johanson requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

Conf. Com. Rep. No. 107 and S.B. No. 1221, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1221, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

Conf. Com. Rep. No. 111 and H.B. No. 1070, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1070, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Har voting no, and with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

Conf. Com. Rep. No. 113 and H.B. No. 1368, HD 2, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1368, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

Conf. Com. Rep. No. 114 and H.B. No. 1613, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

Conf. Com. Rep. No. 115 and H.B. No. 889, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 889, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

Conf. Com. Rep. No. 118 and H.B. No. 801, HD 2, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 801, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

Conf. Com. Rep. No. 119 and H.B. No. 667, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 667, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak in favor of the measure and just to make one note about it. If the Members could turn to page 2 of House Bill 667, it's talking about the problem with the nematode population. The nematode can cause serious illness. One thing that Members may remember when we had the industrial hemp research project, the University of Hawaii determined that it was one of the best crops to eliminate the nematode population. So maybe next year we can consider getting that crop planted more widely. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 667, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, M. Oshiro, Pine and Takumi being excused.

At 1:26 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1221, SD 2, HD 1, CD 1
H.B. No. 1070, HD 2, SD 2, CD 1
H.B. No. 1368, HD 2, SD 1, CD 1
H.B. No. 1613, HD 1, SD 1, CD 1
H.B. No. 889, HD 2, SD 2, CD 1
H.B. No. 801, HD 2, SD 2, CD 1
H.B. No. 667, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 121 and H.B. No. 1060, HD 1, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1060, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you. With reservations. I think it's actually a good bill. My concern primarily revolves on page 6 and the ability for DAGs and the Chief Information Officer to raise funds and accept donations. While not necessarily bad on its face, I think it begs the larger question for this Body of when should government be able to solicit and/or actively raise money? I think it's just a question of propriety and a concern that it may set a bad precedent in the future with respect to the fact that we're the governance organization often over many of these bodies that potentially may be donating their services or their goods to DAGs and to the CIO. So while I do support this measure, but I do have concerns over that provision. Thank you."

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support on CCR 121. I ask permission to insert written comments. Thank you."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill No. 1060, Conference Draft 1, Relating to Information Technology. Modernizing the State's technology systems is one of Governor Abercrombie's top priorities which will provide for greater accountability for data and spending, enhance security and back up measures and reduce energy. The public will benefit through a broad range of improved services, from filing State taxes to applying for licenses and permits.

"The Department of Accounting and General Services strongly supported this Administration bill, as a means to implement Act 200, Session Laws of Hawaii 2010, which called for establishment of a full time Chief Information Officer, development and implementation of an information technology strategic plan, and creation of the shared services

technology special fund. The plan will become the basis for the long term statewide technology transformation, operational organizational structure for the Chief Information Officer and consolidated IT staff, and the required technology budget. This bill acts to keep Hawaii up to date with the rest of the world with regard to new technologies.

"More specifically, this bill moves the position of Chief Information Officer from the Office of the Governor to the Department of Accounting and General Services, provides authorization for the Chief Information Officer to fill positions critical to the successful implementation of increased data security requirements, and allocates a percentage of central service fees to the Shared Services Technology Special Fund.

"Additionally, for transparency purposes, this bill also requires that the Chief Information Officer report to the Legislature on the activities and programs under the authority of the chief information officer and the information technology steering committee, and the expenditures of all moneys received from all sources and deposited into the information technology trust account and the shared services technology special fund.

"By funding this crucial office, this Legislature will be ensuring that Hawaii remains at the forefront of the expanding information technology sector.

"Mr. Speaker, for these aforementioned reasons and with an eye on the future of Hawaii's need to keep abreast of the ever evolving information technology industry, I support this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 125 and H.B. No. 1505, HD 2, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1505, HD 2, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of 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 support of H.B. 1505 - Relating to State Facility. This bill seeks to establish the state facility renovation partnership programs, effective July 1, 2011.

"Public facilities have fallen into such disrepair across Hawaii that our State has become, in many cases, an embarrassment to locals hosting visiting friends, and a deterring force for the tourism industry. Because local retailers and hotels are gradually increasing rates to align with the economy, and Hawaiian Airlines' revoked GET exemption will precipitate a hike in airfare, Hawaii must strive now more than ever to offer tourists a premium destination experience worth every invested dollar. Dilapidated structures, ruptured plumbing, and faulty wiring neither impress visitors nor maintain the health and morale of local residents. Not only the facilities themselves, but also the effect an ambiance has on local constitutions, act as deciding factors, as prospective visitors weigh Hawaii getaways against cheaper destinations nearer to home. As Hawaii's price tag climbs, our only means to maintain value is to raise our quality as well.

"The State's financial deficit leaves scant margin for *any* further government expenditures, not to mention expenditures of magnitudes required to sufficiently address Hawaii's facility problem. Private-public partnerships thus prove invaluable – first for meeting financial figures, but also in cultivating a sense of communal ownership in those willing and able to make a difference. There was a time, in the early years of Hawaii, when endowed individuals took vested interest in public welfare; pride

rewarded those who could point to urban infrastructures or green spaces, and know that they led those parks or town centers into existence. As real estate and construction costs have grown to unprecedented scales, Hawaii's pool of donors able to fund significant improvements may have narrowed. In fact, however, our market's high stakes have expanded the income gap between the surviving masses and the few of fortune; thus, although perhaps small in number, Hawaii's well-endowed class is strong in giving potential. Let us not impede mutually-beneficial opportunities, and eliminate financial barriers between public and private entities. Hawaii must operate as a single organ to enable the changes we want and need. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1505, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 127 and H.B. No. 331, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 331, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Tsuji rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tsuji's written remarks are as follows:

"This main idea behind this measure is to change the extension of certain public lands leases from 55 years to 65 years.

"Many tenants in Hilo's industrial area are strong advocates for this specific change. Several of them have lease reopening/arbitration with DLNR, who is the final determinant of land values based on their policies. This is because more than 90% of industrial zoned land in Hilo belongs to DLNR.

"Throughout this session, business groups testified in support of this Bill and I would ask my colleagues to vote aye."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 331, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 128 and H.B. No. 1164, HD 1, SD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1164, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Final Reading by a vote of 36 ayes to 13 noes, with Representatives Awana, Belatti, Coffman, Hanohano, Keith-Agaran, C. Lee, M. Lee, Luke, Nakashima, Rhoads, Saiki, Takai and Wooley voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 129 and H.B. No. 300, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 300, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just want to take this time to acknowledge the efforts of the Finance Chair and his staff, and for the Vice Chair of Judiciary and the Majority Leader for the assistance they gave in crafting a

budget for the Judiciary that balances their need to restore the Judiciary to five days of actively working for justice. I think we did that this year by restoring the money for the furloughs, and like the Executive Budget, also taking into account the expected collective bargaining savings. For that, I urge my colleagues to vote in favor of this budget."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On the same measure, I'd like to stand in strong support with written comments."

Representative Awana's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support. Mr. Speaker, before this Session, the House Chair of Finance, the Minority Leader and I attended a tour of the State Judiciary Building on Alakea Street. During this eye-opening tour, we were able to see for ourselves the challenges faced by many in this vital branch of government. Justice Delayed – Justice Denied was the title of a report provided to us by judges, and staff administrators. Detailed in this report was information that led me to believe that the passage of this measure is the right decision; cases are being pushed back because of furloughs along with an increased workload, judges calendar's are scheduled six months out because of such delays, and overtime has been halted to compound this situation. These are just a few examples of the burdens facing the Judiciary and with the passage of this measure, some relief will be given to this department. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 300, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 130 and H.B. No. 1566, HD 1, SD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1566, HD 1, SD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Brower rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. I respect the bill's attempt to address certain inefficient uses of public lands including those of the Ala Wai Small Boat Harbor. This bill would create a public-private development with private management.

"What I oppose in the bill is the fact that it would allow for the commercialization of the small boat harbor. My opposition is basically on two points. One is, in addition to public safety concerns, this would violate a deed which was set forth in the Territory of Hawaii, and although we as a State are not legally bound to the deed, about 50 years ago, our Governor Samuel Wilder King had enacted in 1956 an item to only allows for non-commercial vessels at this harbor because I think back then, they knew some of the problems with commercialization here.

"If we commercialize the Ala Wai, I think it's going to take business away from Kewalo Basin, some business in our areas downtown near Aloha Tower, and possibly other business from Oahu small boat harbors that do allow for commercialization because a lot of these businesses have expressed interest in being at the Ala Wai should that be opened to commercialization. The Kewalo Basin is just a few blocks from the Ala Wai, and there are a number of empty slips there where they do allow for commercial vessels.

"It's also going to displace the people who currently live at the harbor. Many of these people, they are not wealthy and they may have no other option than to live aboard a boat in that neighborhood. It's unfortunate that because the State hasn't done as well a job as it could in managing the harbor, it seems to now want to give it up.

"In that neighborhood where the Ala Wai is, there is the small boat harbor that we're talking about right now. There's also on the Ala Moana Park side, a private yacht club. If we begin to commercialize or privatize the State side, we could end up with two private yacht clubs not allowing for a number of local people to participate in boating activities in Waikiki. They will be forced to go to Heeia, the Kalihi area or to Waianae.

"Mr. Speaker, in closing, I would just like to say that instead of reducing people's choices for affordable housing or encroaching on one of our last enjoyable places where local boating and recreation is in Waikiki, we should be looking for ways to increase the inventory and generate more revenue. I propose increasing the amount of live-aboards at the harbor. And the profit from increasing the amount of live-aboards at this harbor greatly would exceed the grand total of \$140,000, which is what the commercial vessels at Haleiwa, Heeia Kea, Keehi and Waianae generate combined. Thank you, for allowing me to speak."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1566, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Final Reading by a vote of 46 ayes to 3 noes, with Representatives Brower, Hanohano and Luke voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 131 and S.B. No. 1073, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1073, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I stand with strong reservations on this matter. Although I support the intent of indigent legal services and what we're trying to do here, I'm concerned that this is going to be placing a burden on small businesses, credit unions, and small banks. The credit unions and small banks use the courts as a tool to recover money that is owed to them. This will increase their cost of doing business and trying to recover money that is owed and ultimately, I fear that this may be passed on to the consumers that utilize these services with the banks and everything else. So I believe there may be some unintended consequences with this measure. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, can I ask for a ruling on a potential conflict on CCR 131? I serve on the Board of Directors for the Legal Aid Society, one of the recipients. 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 S.B. No. 1073, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Har and McKelvey voting no, and with Representatives Carroll and Pine being excused.

At 1:37 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1060, HD 1, SD 2, CD 1
H.B. No. 1505, HD 2, SD 1, CD 1
H.B. No. 331, HD 2, SD 2, CD 1
H.B. No. 1164, HD 1, SD 1, CD 1
H.B. No. 300, HD 2, SD 2, CD 1
H.B. No. 1566, HD 1, SD 1, CD 1
S.B. No. 1073, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 132 and S.B. No. 1270, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1270, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Johanson rose in support of the measure with reservations and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Johanson's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 1270. Our State is in a difficult fiscal position that requires sacrifices and compromises. I have consistently expressed reservations on using money from the Hurricane Relief Fund to offset some of our State's budget woes. I believe the Hurricane Relief Fund should be used for its intended purposes. Additionally, raiding from this Fund has the potential to perpetuate, even encourage, state lawmakers' habits of raiding this and other funds in the future. I am pleased, however, that my colleagues in the Senate heard some of these concerns and included a mechanism to return the borrowed funds to the Hurricane Relief Fund by 2015.

"The State Insurance Commissioner has submitted testimony indicating that insurance experts believe a Hurricane Relief Fund balance of \$70 million is sufficient critical mass by insurance experts to leverage for reinsurance purposes, should another hurricane strike our islands. I appreciate that this measure takes these recommendations into concern by maintaining a \$75 million balance. Moreover, I prefer this method of borrowing from the Hurricane Relief Fund rather than an increase in the General Excise Tax as a source of revenue to balance our State budget. We must remain vigilant in our fiscal decisions as a Legislature and truly take into account all those affected, as well as the long-term consequences of our actions. By including a mechanism to pay back this fund, as well as keeping a \$75 million balance in the fund, I believe we are doing exactly that."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ward rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Fontaine 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 S.B. No. 1270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Belatti and Thielen voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 133 and S.B. No. 651, SD 2, HD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 651, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I'd like a ruling on a possible conflict. My law firm's practice includes foreclosures," and the Chair ruled, "no conflict."

Representative Keith-Agaran continued in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Keith-Agaran's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of this bill which will implement a comprehensive strategy to reform the foreclosure process by placing additional protections for homeowners in foreclosure or at-risk of foreclosure. This measure is the major vehicle for addressing the abuse of nonjudicial foreclosures brought predominantly by mainland banks and their collection agencies against local working families and homeowners. Among other things, it will institute a mortgage foreclosure dispute resolution program in the Department of Commerce and Consumer Affairs for nonjudicial foreclosures, will authorize an owner-occupant of residential real property to convert a nonjudicial foreclosure to a judicial foreclosure action, and will suspend the foreclosure actions by a junior lien holder during the pendency of a mortgage foreclosure. It also makes our nonjudicial foreclosure law modern and fairer than the 19th century model being used by mainland lenders.

"The number of residential mortgage foreclosures in Hawaii is very high and it is important to address foreclosure problems caused by out of state banks against local residents. This bill is the result of collaboration among many people including advocates, mortgage professionals, and State regulators. While speculators, real estate professionals and bankers focus on a catalogue of awfuls, I commend the Chair of the Consumer Protection Committee and his Senate counterpart for remaining focused on the Hawaii residents coping with the unfair foreclosure practices pursued by out-of-state, faceless corporate entities. No bill is perfect, but this one address and focuses on the needs of Hawaii's residential homeowners who need a fairer loan modification process.

"It promises to provide some relief to distressed homeowners across the State of Hawaii and I wholeheartedly vote in favor on this bill."

Representative Riviere rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict? I am a registered mortgage loan officer," and the Chair ruled, "no conflict."

Representative Riviere continued to speak in opposition to the measure, stating:

"I rise in opposition. The easy thing would be to keep my head down and let this bill go without comment. It's quite clear it's going to pass today. I have spoken on these measures several times on various aspects of them. There are several good elements to this bill, namely the improvements in Part II of the non-judicial foreclosure. The parts that I find unsupportable from my point are the moratorium on Part I, which would effectively be about a 13 month moratorium. Granted non-judicial foreclosures can continue in the Part II.

"Part II has never been used. It's been on the books for several years and it's never been used. With the fixes that are in this bill they may be used. Or they may not. We'll see. There are some concerns, and really the question is, what are we fixing here? There's trouble in the lending industry. There are people that are very passionate. Some people being put through hoops that they need not be put through, or shouldn't be put through. I'm not here to defend any banks or any institutions. I'm just standing up to speak about some of the issues, and trying to take this in a rational form.

"The uncertainty of this program is that it will force meditation, or will likely result in meditation leading up to 198 days. That's six months. That's six months after presumably somebody has not paid a mortgage bill, or there's been a dispute over the mortgage payments for four months. Every month that a mortgage is not paid or delayed adds to the cost to cure. So adding this, I don't know if in the end it helps anyone because of the uncertainties in the real estate market. The best policy, the best way to cure the situation would be to process these quickly.

"The vast majority of non-judicial foreclosures proceed unopposed. There are currently, it is possible to file a claim in federal or State court, if you feel that you've been wrongly approached or put in a non-judicial foreclosure. The State, they cannot kick you out of your house without going through court proceedings. There are many things.

"So anyway, not to belabor the point, but there's a couple other elements. Lenders will be subject to unfair practices if they violate any part of the law, and that means triple damages. That can be rather severe. Meanwhile, I notice that if any of the delays are caused by the DCCA or any other party, there's no sanction. So the delays, we're at 198 days if meditated, 53 days if not meditated. So no matter what, we're throwing two more months onto the process of curing the situation. 53 days. Two months anyway. What I would suggest is that this bill would have been better to require meditation before the foreclosure process begins. By the time we get to foreclosure, it's very difficult to cure. The bills are piling up.

"So while I understand the situation, I also point out that 23% of our economy is related to the real estate industry. People buy appliances. They buy carpets. They buy drapes. They hire carpenters. There is a huge effect in our economy based on real estate. And if we create a great uncertainty attempting to fix something without really, really looking at the potential unintended consequences, I fear that we might be hurting our economy more than we need to.

"Loan modifications. There are some scammers out there. There are many scammers out there. This bill does nothing to take care of the people who are fraudulently representing to owners that they can fix their loans. Many people that are caught in the problems, and the stories that we hear have gone for loan modification. Maybe they paid somebody thousands of dollars to modify it, and they get down to the end and they realize that their loan never really was modified. That is a problem and those people need to be brought to justice.

"There are people, due to the home affordable mortgage program that was created in 2009, the federal programs to help meditate and to save people's home. There are people that go through the process on temporary loan modification, but when they get to the final line, they do not qualify and that becomes a tragedy and those are things that are just unavoidable.

"So I don't plan on converting everybody here in the House on this, but I must say that ..."

Representative Fontaine rose to yield his time, and the Chair "so ordered."

Representative Riviere continued, stating:

"Thank you. It's a well-intentioned bill. I'm not faulting anybody. The bill started out based on the task force recommendation. As it was worked on, it got more unwieldy. It got bigger. It got more cumbersome. And I don't believe the end product is nearly as good as the product when it started. So for those reasons, I'll be voting no. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. At the beginning of the Session I was very distressed by the large number of foreclosures here in Hawaii. I was looking for some sort of fix to the problem, a legislative fix. But I feel that this bill does not. It's not really the right medicine that really will not help the patient that much. I'm particularly concerned about the moratorium. I think it will hurt our banking and mortgage industries. And ultimately raise interest rates, which will depress our real estate market.

"I have other comments, which I'd like to have inserted in the Journal, with your permission. Thank you."

Representative Marumoto's written remarks are as follows:

"Undoubtedly the large number of recent mortgage foreclosures in Hawaii has alarmed legislators. Constituents have been pleading for relief. However, I am not at all certain whether HB 651 will solve their problems and save their homes.

"Under this bill, there will be a 1 year moratorium on non-judicial foreclosures which use the "old" 1874 law. This is ironic because the Mortgage Foreclosure Task Force made recommendations to improve and

strengthen the "old" law by adding more consumer protection provisions. The bill before us incorporates those recommendations while at the same time imposing a moratorium on using it.

"The imposition of a moratorium concerns me. A 1 year moratorium on the "old" improved non-judicial foreclosure process forces lenders to either use the "new alternate" non-judicial foreclosure process or the judicial foreclosure process.

"The "alternate" non-judicial foreclosure process is untested and has been unused since it became law in 1998. This measure makes some changes to the "alternate" process supposedly to make it usable. However, industry representatives are skeptical.

"If lenders do choose to use the "alternate" non-judicial foreclosure process with its new bells and whistles (rather than judicial foreclosures), that will move those cases into the new dispute resolution program which won't be set up until late this year. The newness of the "alternate" process and the newness of the dispute resolution process will slow down the foreclosure process and will make it harder for lenders to foreclose when foreclosure is the "last resort".

"The new dispute resolution program is partly modeled after the Nevada foreclosure mediation system. I am not an expert in this field, but I have been told that the Nevada program is not as effective as some people claim. Although many enter the Nevada mediation program, less than half emerge with successful results that allow them to keep their homes. However, among these successful few, many default again on their loans within a year of the modification.

"The dispute resolution process may be redundant for Fannie Mae and Freddie Mac loans. That's because these entities already require loan modification negotiations before and during the foreclosure process. Perhaps a duplicative process would be helpful, but it may just result in delays.

"I do not know whether the fees collected by the dispute resolution program will cover all costs. While the Compliance Resolution Fund of the Department of Commerce and Consumer Protection is providing \$400,000 seed money for start-up, will the CRF be required to cover future shortfalls in the program?

"Some foreclosure attorneys say that the "alternate" non-judicial foreclosure process still has some practical problems which make this process unworkable. Also, the "alternate" process might not be used as much as envisioned because the dispute resolution process associated with it will stretch out the foreclosure process unnecessarily.

"If the "alternate" process isn't used, and with the moratorium on the "old" non-judicial foreclosure process, then foreclosure cases will have to be filed in the court system using the judicial system. I'm told by some foreclosure experts that the court foreclosure process currently takes about 10 to 13 months or longer. More judicial foreclosures will only add to the backlog that already exists in the courts. Auwe!

"Finally, the delays in either the "alternate" non-judicial foreclosure process (with dispute resolution) or in the judicial foreclosure process ... and the costs related to the delays will leave lenders with less capital to lend to homeowners and will make it more costly if lenders have to foreclose. This may cause interest rates to inch upward, and will have the eventual effect of hurting the real estate and housing market and Hawaii's economic recovery.

"Because I am concerned about the foreseen and unforeseen consequences that SB 651 will have, I am compelled to vote no."

Representative McKelvey rose to disclose a potential conflict of interest, stating:

"Thank you very much, Mr. Speaker. First, may I have a ruling on a potential conflict? My family's currently undergoing a remodel, or attempting to," and the Chair ruled, "no conflict."

Representative McKelvey continued to speak in support of the measure, stating:

"Thank you, very much. In strong support. My strong support revolves around the idea that we're finally doing something to address Chapter 667. I will admit to everybody today that it falls short of what I thought when we started the Session, which is to create a one uniform track. But at the same time, what this does is it gives us finally, an ability to bring these entities to the table.

"With all due respect to my good friend there from the North Shore, and much of what he said is true, but the fact of the matter is that these endless modifications are not because of the homeowners in the vast part of the situation. It's because of the entities particularly, to be specific, the mainland entities that drag things on over, and over, and over again. Stories, daily of repeated requests for the same forms submitted over, and over, and over again. Six times. Seven times. Getting letters that basically have been post-dated two weeks earlier saying if you don't respond with even more documentation by a date that is in Hawaii two days later, you're out of the remodification program. There was admittance by one of these biggest lenders on Utah television that basically the whole aim in most of these is to not make anything happen so they can collect on the FHA insurance, Mr. Speaker.

"Mr. Speaker, if they were dealing in good faith, if they were giving the consumer a straight-up answer, one way or the other, and I agree, working with them before the process of foreclosure began, then I think we'd be in a better place. But I think you'll speak to many people across this great State, Mr. Speaker, and you will see that they didn't have that opportunity before foreclosure came. No entity from this bank came and said, 'You know what? You're behind.' Or, 'Let's work something out.' No. What they get is a notice, and then their checks get returned, uncashed. Then you have to go into this program. We need this information. Sorry we can't help you. Back and forth, and back and forth, and back and forth. You either go insane, then you hire an attorney, and they go insane. Or the end result is you don't have a home. And you're a hard working person. You're not a scammer. And to that point, the issue of originators has been addressed in another measure, and so that has also been addressed although it's not in this bill.

"We can cite any legislation as not being fully formed of function, but I think the legislative intent is clear. If we're going to be stuck with a two part system and the banks want to use the easier path system, they cannot. They've got to use the system that has protections. And if they just work with the homeowner, a majority of the time there will be no mediation. Endless mediation doesn't seem to be the game of the homeowner. Endless mediation seems to be the game of the lender, Mr. Speaker, to get to foreclose one way or another, to collect whatever interest they can on paper on this and be done with the homeowner.

"So I just ask all of my colleagues, and I think pretty much our various positions are clear. But remember that this is not something where the State of Hawaii is deciding we need to go after banks because banks are bad. This is endless, and endless of our friends and neighbors and constituents coming forward and saying, 'We cannot get a straight answer. Nobody will work with us. And it seems like the only end game is that we have to be shown out of our homes, despite the fact that we can work and come up with at least an 80% of the solution.' I would say that more of a win-win is where the banks can receive their money, keep their value, the property stays intact, and the homeowner has a home. For once again, as our State Seal outside this building says: The life of the land, Mr. Speaker, is preserved in righteousness. Let us not forget that. Thank you, very much."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of Senate Bill 651. First, let me start by clearing up some of the BS due to this SB. First, you can foreclose. The moratorium is on Part I, of non-judicial, which was passed in the 1800's. You could still foreclose in Part II, which we amended to make it work. There is no foreclosure moratorium.

"We have heard this will depress mortgage lending in the State. I don't believe that banks will not lend money anymore. This is a knee-jerk

reaction, Mr. Speaker. Lenders will always lend to people who have the ability to pay. Banks need to lend. People need to borrow. Bottom line. Are the banks going to shoot themselves in the foot to protest this bill? I don't think so.

"We've also heard this will raise your down payment. I don't know where it says that anywhere in the bill, but Mr. Speaker, part of the problem was that banks made loans to people by building a house of financial cards. Down payment may increase because banks need to know that borrowers can afford the house. Lending needs to make sense. If this legislation ends the practice of loose loans and fast money, we all benefit.

"We've also heard this bill will lead to endless mediation. Mr. Speaker, this bill is not drafted to create an endless process. We put very clear timelines on dispute resolution and require the advanced assistance of housing and credit counselors. All the financial information is required up-front. A neutral third party will have enough information to determine whether a work-out is possible even before the first face-to-face meeting. But what was sorely lacking and what this process provides is an opportunity for the homeowners to communicate with someone face-to-face who actually has the authority to help them with the modification. That person can say to the lender, 'You don't have the authority to foreclose.' Or can say to the borrower, 'You don't have the money to do a loan mod. We're going to foreclose.' And that's someone who keeps losing their paperwork, giving them mixed messages, and jerking them around. Through dispute resolution, the banks will have an opportunity to live up to what they've been professing through this whole crisis, which is that the last thing they want to do is foreclose. And, Mr. Speaker, this is only a 3-year program. We're going to sunset it.

"We've also heard this is a one-size fits all legislation. This message is echoed by our local banks, the do-no-wrong banks. If they do no wrong, how will this bill hurt them? The local banks oppose dispute resolution so we asked them, why? If the local banks are in contact with borrowers, they should be able to work out a loan mod before it even gets to dispute resolution. Then we asked them, 'How many foreclosures do you have?' Mr. Speaker, they don't have many. Only a handful. Then they told us that they only foreclose through the judicial process. Well, Mr. Speaker, the dispute resolution does not apply in judicial foreclosures. Simply stated, it doesn't apply to them, so what's the problem? They still have not given me a straight answer besides the same economic doomsday sound bites.

"So, Mr. Speaker, who's this bill for? Well I'll tell you. The bill's not for realtors, the people who encouraged their clients to purchase expensive homes by saying, 'Don't worry. Your property will increase your value and give you instant equity.' They're wrong.

"This bill is not for the national banks, Mr. Speaker. Our pillars of the economy, the same lending institutions that required millions of our dollars in bail-out money to fix their mistakes, told our neighbors, 'You can afford this home.' They offered loans with no money down, and brokered deals we couldn't afford. They said, 'Don't worry. The housing market is hot.' They were wrong.

"This bill is not for investors and real estate speculators. This bill only requires dispute resolution for owner-occupants, people who live in their home, raise their families, and people who we call neighbors. All those critics who believe that we want to protect investors as well, they were wrong.

"This bill is not for the local banks either, Mr. Speaker. Throughout this Session, the local banks pointed out that they were not the problem, but they also offered absolutely no solutions. We didn't want to hurt them, but they couldn't tell us how this bill hurt them. All they wanted was a carve-out. And the exemption was the only answer since quote, "it hurts them." But if you look at the bill and how they foreclose, there's no problem. They were wrong.

"Well, Mr. Speaker, we wanted to do something right. Let's help those who truly need our help. So who's this bill for? This bill is for the thousands of people like Marcy, a resident of Maui, who wrote me and said:

"Mahalo, Representative Herkes."

Representative Rhoads rose to yield his time, and the Chair "so ordered."

Representative Herkes continued, stating:

"I have not met you, but I feel I almost know you from following these foreclosure bills so closely. Thank you so much for all your hard work and for fighting for us on SB 651! Your efforts have saved people unaccountable dollars and hardships and will stop the rain of fraud that has been happening to the people of Hawaii by the banks! I know the pressure had to be strong and you proved the system does work and fought for us! I am so proud of you and Hawaii, this might be the strongest bill in the nation and a model for other States! This is so much bigger than most people realize right now, thanks for being a true leader! Aloha from Maui!"

"Mr. Speaker, our people needed help. We stepped up. We worked with DCCA, the Judiciary, the Senate staff, and my staff. We spent countless hours working on this bill. The dispute resolution program is the result of a collaborative effort between the Legislative, Executive and Judicial branches all working together. Hawaii expects its government to work hard for its people, and I'm proud to report today that this bill is the result of that hard work.

"Mr. Speaker, I've also heard from Louisiana, Florida, and California in support of this bill. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure, stating:

"Thank you for recognizing me, Mr. Speaker. I just want to speak in favor of this bill. This bill may not be as comprehensive as we want it to be, and it doesn't address everybody's needs. This problem is so convoluted and complicated, and a lot of it has a lot to do with interstate commerce. The product that we have today is the best ever this House made towards this effort. At least this bill will communicate to our citizens that we in this building are doing something to address their needs. It will alert those mortgagees that their abuses are now being scrutinized. The bill has a lot to do with the current situation, and for this measure, Mr. Speaker, I stand in strong support of this bill."

Representative McKelvey rose to respond, stating:

"I know it's my second time, Mr. Speaker. And I'm still in support. I would just like the words of the good Chair of CPC entered in the record as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Souki rose to disclose a potential conflict of interest, stating:

"Yes, Mr. Speaker. I may have a potential conflict of interest. I'm a realtor, and I have my own business in real estate," and the Chair ruled, "no conflict."

Representative Souki continued to speak in support of the measure, stating:

"Thank you, very much. First of all, Mr. Speaker, I speak very strongly in favor of this measure. I would want to incorporate the remarks of the speaker from Lahaina, and the speaker from the Volcano area in Hilo, who has worked so hard to prepare this measure. He put his heart and soul into it. And I wish to support this measure wholeheartedly. Thank you."

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker and colleagues. I appreciate the intent of SB651. While it may not be the instantaneous answer to our foreclosure crisis, it has furthered the conversation. This measure will lead to a foundation of effective reforms, from both the Judicial and the Administrative Branch.

This bill acknowledges that there are serious problems with how foreclosures have been handled in Hawaii. Our non-judicial foreclosure process, one of the most draconian in the country, was originally designed to make it easy to take land from Native Hawaiians. Repealing the non-judicial foreclosure law is a step in the right direction.

"It is important to remember that banks from the mainland do not own most of these properties or even the mortgages. They are only servicers. The loans were sold to investors or paid for by TARP and/or insurance funds in some cases thirty times the value.

"In a complex Wall Street ponzi scheme, together with Mortgage Electronic Registration System (MERS) and large insurance companies, the homeowner is doomed to fail from the first instance while the top New York Wall Street investment bank CEOs and big banks financially benefited from this crisis; all while knowing that the overall economy was in a steep decline, causing massive unemployment and ultimately borrowers to default on loans.

"In a delusional "too big to fail" state of mind, hoping to stave off a complete collapse, Wall Street developed the defective financial products known as subprime loans (also known as ARMs, HIBORs, LIBORs, HELOCs). They bundled millions of mortgages into thousands of trusts, insured them and falsely rated these securitized mortgages triple A; which enabled Wall Street to attract TRILLIONS of dollars in investor funds and peel off their risks – in just a little over 5 years.

"By Friday, September 12, 2008 Wall Street knew that the game of intentionally inflating appraisals, lowering lending standards, and overrating trust bonds was over. These were wrongdoings in which the Hawaii borrower had no control. From that point forward the foreclosure devastation in Hawaii began to get ugly.

"Mr. Speaker, this ponzi scheme induced many mortgage brokers to fabricate information for their borrowers; it seduced some borrowers to agree to lie about income. They were all told from the top, "don't worry about the loan now, they don't care how much money you make, just maintain your credit and you can always refinance later". Others were coerced into wrapping their unsecured credit card debt in to their secured mortgage loan, essentially eating up whatever equity they may have had – and paying a lot more in the long run. The borrowers maintained their payments and their credit scores until they lost their jobs and wages as the economy collapsed.

"This is not only a financial crisis, but also a moral one, in which deceit was encouraged from the top of our financial system all the way down to the homeowner. Borrowers were offered candy and then, by the very mechanisms purposely set in place, lost their investments and their homes.

"Although the intent of SB 651 is beneficial to Hawaii, in order to save our economy and our precious land from being taken over by mainland banks we must take further and more dramatic steps. I am committed to taking whatever steps are necessary next session, to bring accountability to the banking industry and to retain Hawaiian land in the hands of our locals.

"My concern, as explained to me by a local foreclosure defense attorney, is that with SB651 there will be a rush to file thousands of Part I non-judicial power of sale action notices immediately before its effective date if it passes, and after the Bill becomes effective the bill's dispute resolution procedures will look like a ghost town as intelligent lenders will just bypass it entirely, rendering the moratorium useless, by filing judicial foreclosures instead, which could further harm the homeowner in that the bill then allows the taking of deficiency judgments.

"I am also concerned that come October 1, 2011 if the DCCA has not been able to put its dispute resolution program into operation it appears the entire Bill evaporates.

"Mr. Speaker, the mortgage foreclosure task force included numerous banking industry representatives, including a representative of the Hawaii Financial Services Association, of which Bank of America, one of the most egregious players in this mess, is a member. This is basically allowing the 'fox to guard the henhouse.'

"Mr. Speaker, again, while I support the intent of this measure, and will vote yes, since it is the only serious foreclosure bill that we have at this time, I am concerned that it won't stop foreclosures to a large enough degree, and I urge my colleagues to work on a stronger legislation in the immediate future."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 651, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Marumoto and Riviere voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 137 and S.B. No. 570, SD 2, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 570, SD 2, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Mr. Speaker, this is one of the pillars of, or part of the \$600 million tax increases that are proposed by the Majority. This one will eliminate the tax deductions and limit itemized deductions.

"But let me begin by saying the good thing about the bill. It doesn't have any pension tax in it. In the beginning it had taxing on pensions. And let me also begin by commending my colleague from Kaimuki who's now the star of YouTube's jousting with the Governor about the threshold or the floor of, the pension tax, and I'm sure she may have something to say about this bill.

"But this bill takes the standard deduction and delays it. The personal exemption and delays the increase. And not that it's that bad. Our Caucus agreed to do this, but for only two years. This bill also eliminates deduction for State taxes paid, which our Caucus only wanted to delay. It also places a temporary limitation for itemized deductions. Mr. Speaker, as I said many times today, the fiduciary fiscal Hippocratic Oath is do no harm to Hawaii's family, jobs, and don't stall the economy.

"This bill has the serious potential for us to pause and to know that this may pull back those who are the job creators, those who are going to make investments, those who counted on tax deductions, who otherwise might be creating jobs, to pause, to pull back, and literally stall our economy. Mr. Speaker, we can do better than this by passing legislation that grows the pie, and just doesn't keep cutting it up in smaller, and smaller pieces. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations on this measure. Thank you. You know, it's a big tax increase. And normally I would vote no, but I was so glad that the pension portion was removed from this particular bill. On Friday I was thinking, 'ding dong, the pension tax is dead.' So when Senate Bill 570 passed, minus the provision, I was truly happy. Yes, it would only have affected high-income earners above \$100,000 for individual filers, but a lot of us were afraid that the income level would slide downward, if and when the State needed more money. And then if the AGI went down to \$37,500, it would have indeed have been a very cruel tax.

"But all this Session, I received a steady stream of letters, phone calls, and emails. I was stopped several times in neighborhood markets and shopping centers, and none of the communications were form letters or robo-calls or blast faxes. They were all individual pleas reminding me that retirees could not afford to lose more income to taxes. There were several that reminded me that the Governor and Legislature should keep their hands off of our pensions. Many were incensed that they had worked for decades with the expectation that their pension would be tax free, and felt that the rug was being pulled out from under them."

Representative Cabanilla rose, stating:

"The pension tax is no longer in this bill, Mr. Speaker. So I think that should not be the discussion."

The Chair addressed Representative Marumoto stating:

"Representative Marumoto, please confine your comments to the measure on this page."

Representative Marumoto responded, stating:

"I think previous speakers have referred to the marriage of Prince William and Kate, and the death of Osama Bin Laden. I just have two or three more sentences if you'll allow me. Thank you.

"You know you legislators must have also received similar communications that amounted to a very focused message that people do not want their pensions taxed. This was not a big, powerful lobby. They are sincere cards and letters, and admonitions that really did the trick. It killed the pension tax. I want to congratulate these seniors and also the American Association of Retired People who worked very hard for that purpose. So I say the retirees have won the day. Thank you, very much."

Representative Rhoads rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I'm just referring back to the Minority Leader's analogy about doing no harm. The problem is the analogy is not apt, because if we had not raised taxes, then we would have made cuts. We would have had to probably lay people off. We would have Furlough Fridays again. We would have to decrease the number of ag inspectors and elevator inspectors, and vector control personnel.

"Not raising taxes is not doing no harm. The harm just comes out on a different place. I think it's unfortunately that it's a zero sum game. If we raise taxes, \$600 million, then people who have their taxes raised are hurt by \$600 million. If we don't raise by whatever amount, I'm not sure if \$600 million is the exact amount. But if we cut spending by the same amount, people lose their jobs, and services that people rely on that are provided by the government are lost as well. So it's not a matter of doing no harm. It's a matter of choosing which harm you think is more important. Thank you."

Representative Ward rose to respond, stating:

"Mr. Speaker, I think if we're going to be rebutting, we should be accurate. If we look at the structure of the economy, 80% of the jobs are in the private sector. I'm speaking on Conf. Com. Rep. 137, the huge tax increase.

"The notion that we have to protect public jobs is true. We have to protect public jobs. But the structure of an economy in a free society and a market driven economy, 80% of the jobs come out of the private sector. The private sector means that's the big job reservoir. If we look at the unemployment rolls, which are now at 6.4%, the huge, vast majority are private sector individuals. Not public sector individuals. And that's from the Lingle Administration up to now, it's been preservation of jobs and we have to continually try to do that, but when we stall the economy, this is where the gentleman from Chinatown needs to listen.

"When we stall the economy, those who are in the majority, unemployment lines, welfare lines, down and out, citing what the Homeless Czar said, Father Mark, 100,000 people in hidden homeless in the State of Hawaii. We're punishing the people of Hawaii by only thinking about government. We have to think about government, but that's not the whole enchilada. We are responsible for all the people of Hawaii. Just not maintain government jobs or maintaining government. We have to look at the bigger picture.

"If the bigger picture is 80% of the jobs come out of the private sector, we should be mindful when we increase by \$600 million, that's almost the equivalent of a 1% GE Tax by the way. What we've done here with *manini*

here, *manini* there. We've basically put on the people of Hawaii a 1% increase or the equivalent of \$500 million plus.

"The point is, Mr. Speaker, we need to protect all jobs, but these are hits on the private sector jobs of which a majority of the people in the unemployment lines, and we don't need that. We need to get them back to work. Thank you."

Representative Wooley rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Wooley's written remarks are as follows:

"I voted no on this bill the last time we voted on the floor, on April 12th. This time I vote yes.

"No one likes taxes, at least no one I know, and no one likes it if their tax breaks are taken away. Here, at the Legislature, we have talked time and time again about how to avoid raising taxes. We spent a lot of effort cutting government spending, but can only cut so much without eliminating essential services. As a result, even after all the cuts to government each year for the past three years, the big question has not been, 'Should we tax?' The question has been, 'Which taxes?'"

"We heard a lot of proposals this time around, some worse than others. This bill, with the various versions that included a tax on pensions, was not acceptable, at least not to me or many of my constituents.

"It's not simply that seniors are a vulnerable group of people and the pension tax appears to simply pick on this one group, it's also that people have been making life decisions based on their expectations about their pension income and tax rates.

"To add insult to injury, the proposed pension tax in the previous version of this bill barely raised any money. Why should so many seniors suffer stress and worry for so little?"

"I want to thank AARP, the 22 other members of the House who voted no on the last version of this bill and the Senate members for all their work on this issue. Without their efforts, we would have seen a different outcome today.

"This version of the bill is a victory for all of us. Our *kupuna* will sleep better, none of us will have to witness the messy litigation to determine whether or not the taxing of pensions is constitutional or not, and the conflicts over this issue will end ... at least for today."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 570, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 43 ayes to 6 noes, with Representatives Brower, Cullen, Hanohano, Hashem, Nishimoto and Ward voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 138 and S.B. No. 754, SD 1, HD 1, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 754, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. First I'd like to disclose a potential conflict. I have contractors in the family," and the Chair ruled, "no conflict."

Representative Thielen continued to speak in opposition to the measure, stating:

"Thank you. Mr. Speaker, I'm rising to speak against Senate Bill 754, which does hit the private sector very severely. Yes, I'm in opposition. Very much in opposition. Mr. Speaker, I'm talking about the subcontractor deduction that had been in place because if that deduction had not been in

place, contractors would have had an untold pyramiding tax to have to pay. Well, Senate Bill 754 now does that to the contractors in our State and the problem is Mr. Speaker, that we look at the building industry as one of the engines, economic engines in this State to help pull us out of our depression. Now we've done something that is going to just slow them down and make it very difficult for them.

"The Building Industry Association of Hawaii made some comments and some of you have these because I handed them out to you. They're talking about how Senate Bill suspends the deduction for payments to subcontractors from the calculation of the general excise tax liability of contractors. This now results in a pyramiding of the general excise tax paid on all construction projects. For most contractors, the subcontractor deduction runs between 60% to 80% of the total moneys received so that under the current law, general contractors generally pay general excise tax on 20% to 40% of funds received from the owners so they don't have that pyramiding effect. Now the Senate Bill increases the general excise tax liability of general contractors by 300 to 400%. Listen to that. I mean, that's just unconscionable. The larger the project, generally the higher percentage of funds are paid to subcontractors.

"Some lawmakers have been told, and in fact I have a colleague within this Body that has said what I'm going to tell you now. The increase in taxation can be avoided if subcontractors bill owners directly. Well that's really questionable tactics. We pass a bill to put more money into the State's coffers and then say, 'Hey wait a minute. The contractors don't have to follow it. Here's a cutesy way of getting around this provision.'

"First if this is true, goes the BIA, 'This is a strong argument to not suspend the deduction as it would generate no additional revenue. Second at best, such a tactic would effectively make the construction contract a cost-plus contract which would dramatically shift the risk of cost overruns and defective workmanship to the owners, making it highly unlikely such an arrangement would be adopted.' In other words, is an owner going to go along with this scheme to avoid paying pyramided taxes? Then goes BIA, 'At worst, this tactic could be interpreted as a form of tax evasion, depending on how the arrangement is structured.'

"So what we're doing is passing a bill that some Members in this Body say, 'Gee, you can evade paying it so go ahead and evade these taxes.' That's really questionable, Mr. Speaker. BIA goes on, 'General contractors play a key role in managing project quality and controlling cost. To say that subcontractors could simply bill the owners directly ignores this basic fact of the construction industry. Most projects require bonding by the general contractors thus it would be improbable to contract with the subs directly.'

"So we're taking a step today in passing this bill to hit one of the most important industries in our State with a 300% to 400% increase in taxes."

Representative Fontaine rose to yield his time, and the Chair "so ordered."

Representative Thielen continued, stating:

"Some in this Body are saying, 'Not to worry. Evade your taxes, I'll give you a scheme whereby you don't have to pay them.'"

Representative B. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. I've been letting this go on, but it is improper under *Mason's*, as well as our Rules to misalign anyone's motives. You can talk about the bill. You can talk about its consequences. But you cannot talk about Members and their motives."

The Chair addressed Representative Thielen, stating:

"Please confine your comments to the bill."

Representative Thielen continued, stating:

"Okay, let me just continue on with this whole scenario. Mr. Speaker, when we take a look at trying to pull together an economic recovery we

turn to the construction industry to say that they're the one of the most important areas. Military is too, but that spending is out of our control. Contractors are not out of our control. They're the ones that if you're a homeowner, or if you're hoping to be a homeowner and you want to remodel a house, you have a contractor come to you and say, 'Well, I've got this scheme where you're going to have to pay this sub directly and have a separate contract with them.' You're going to go, 'What are you talking about? What's going on here? What's happening?' And most of the contractors that I personally know wouldn't do that kind of questionable arrangement because it is tax evasion no matter how you structure or what you say. It's tax evasion.

"So we're taking a step today and I hope those of you that are voting for this bill recognize what you are doing to an industry that is so important to our recovery. We don't hit that industry with a 300% to 400% tax increase. Thank you, Mr. Speaker."

Representative Say rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. May I have a ruling on a potential conflict? I am a sublessee," and the Chair ruled, "no conflict."

Representative Say continued to speak in support of the measure, stating:

"May I speak in support of the measure before this Body? General excise tax exemptions. The general excise tax. What are they? When they were created in the late '60s or '70s, the general excise tax was the tax of the rich. They wanted to have every business transaction be affected by this particular law that we have on the books throughout the years. Yes, it is time for this Body to review the exemptions that are on the books. It has taken me 16 years, Mr. Speaker, to have this particular measure brought to the Floor of the House.

"When I was the Chair of Finance, in my first year as Chair, I brought this issue up. The churches, the nonprofits, everyone came out in opposition. But at the end of the day, Mr. Speaker and Members of the House, what would be your solution to a \$400 million revenue enhancement measure that does not affect everyone, but those that are part of the bill today? What is your solution Members of the House, in addressing this budget shortfall?

"I am a sublessee willing to sacrifice that 4.5% at this point and time. It is part of P and L, but I'm willing because everyone in the canoe has to share a little for the greater good of the people of the State of Hawaii.

"Members of this Chamber have stated for the record, that we're proud that this Body has not addressed an increase, an increase in the general excise tax where these entities would still be exempt if it was adopted. All we're asking for is that these 22 entities pay a fair share of what the present law as it was created was all about. The general excise tax is a tax of every business transaction.

"I shared with those who are opposed to this measure, those entities, businesses that have come to see me, that the bottom line for all of you is this. Would this Body have been willing to address a GET increase and affect 1.4 million people in the State of Hawaii? Or support this measure and affect maybe close to 150 employees throughout the State of Hawaii in the private sector, and those companies. You make that choice this afternoon. Everybody wants services which the Speaker Emeritus from Maui talked about, but nobody wants to pay the bill.

"I followed the presentation given by the ALEC and Jonathan Williams for the Minority, which I attended. A lot of that particular proposal this Chamber has addressed. So I'm saying to all of those who are being affected today in the suspension for two years, please consider it for the greater good of our community rather than our own special interest and protectionist views. Thank you, very much."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. And thank you, Mr. Speaker, for asking that question. And here's my answer. First of all, we take a salary deduction that should have been the top item that we did this Session. We reduce our salaries and that money goes into the general funds.

"Second of all, we turn the Bureau of Conveyances over to the private sector, which pays the State money for doing what the Bureau actually does now, but can be done just as well or even better by the private sector. We take that space in the Department of Land and Natural Resources, bring in one of the agencies or divisions that are renting in the private sector and in the budget today before us there's a dollar figure of about \$5 million for that rental in the private sector. We put them into this State building. Mr. Speaker, those are just a few ideas that I have and those will bring money into the general fund. Then we don't have to harm an industry that is responsible for our economic recovery. Then we have an economic recovery that truly will pull us out of the recession that we are in now. There are other ways.

"Salary deductions for all legislators, now. Privatize the Bureau of Conveyances and get the other departments out of private sector locations where they're paying large amounts, \$5 million or more a year for those facilities. Those are just two ideas, but we don't have to hurt our economic engine and that's what this bill does. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. Just so we have some basis of speaking from fact, I think we have several more days left in this Session. We passed out a balance budget, much of it is dependent upon this particular measure. And just let me throw out a shot of reality so the Members and the audience listening in know what this bill means.

"It means \$173 million for fiscal year '12 that starts on June 30, 2011. It also means \$220 million for fiscal year '13. These are two important components to realize. \$173 million for fiscal year '12, and \$220 million for fiscal year '13. And these two numbers have been incorporated into the budget allowing us to not cut more than about \$800 million in the budget and giving us a cash balance of about \$150 million in fiscal year '12 in case the Council of Revenue's projection goes down.

"So if anyone wants to talk about not moving this bill forward, I am open to receive any amendments today and the source of where they will make up those revenues. But just keep in mind, Members, you can go ahead and eliminate most of State government entirely except for the Departments of Human Services, Health, DOE, and University. You can eliminate about 14 departments and agencies, and you'll come up with about \$200 million. Thank you, Mr. Speaker."

Representative Ward rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. I would like to continue with the vision deficit that was brought up by my colleague from Kailua. This is a budget deficit, but really the vision deficit of thinking other than hitting the private sector that creates the jobs. And she's only talking about the contracting industry. What about the airline industry that's going to take a hit and make everybody pay more to fly to various parts of the U.S., as well as interisland. 80% of our foods come from ships. Those who unload and load ships are going to be hit.

"So Mr. Speaker, I appreciate you getting up and speaking out with such compassion, but Mr. Speaker, the vision of where we are taking the people of Hawaii leaves a lot to be desired. We have to show how year after year we're not just going to keep cutting in to what otherwise has been the sustaining part of our economy. And as my colleague from Kailua said, what got us out of the slump of the '90s? The real estate market. And following the real estate market, the construction market. We can't keep hammering these back down.

"The vision deficit is we've got to, as I mentioned earlier in one of my speeches, the green jobs that we basically passed right by. The lack of political will to do solar and photovoltaic. We punted it over to the PUC instead of taking the policy by the horns and implementing it. We have

proposals to sell Aloha Tower. Different ways of getting through these difficult times.

"Mr. Speaker, this bill gets us \$175 million as the Chair of Finance said. It's a fixed pillar in this budget. But a fixed pillar, if it holds up the building, but then in a couple of years collapses the whole structure, what good will it have been? And that's what your Minority is saying. Be careful of stalling the economy, hurting those jobs that are there because if we get any more unemployment, then we will cut our nose to spite our face. We have to be long range with strategic planning, working on our strengths, minimizing our weaknesses.

"And our weaknesses in the State of Hawaii are quite frankly, taxing and taxing. Learning and getting a reputation that we're anti-business. We're not welcoming people. Investment capital is minimal. And this is again, for saving the government workers and the private sector workers. But I think this Body is a little bit tilted too far on the public sector workers and forgetting those who are out there in the private sector. That's 80% of who the people of Hawaii are who we are supposed to all represent.

"So Mr. Speaker, this is a pillar, but I think it's going to hold up the wrong building with the economy that we know cannot support all of these tax increases. With that, I'm voting no and I hope my colleagues will also vote no. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker. Thank you. I am in support of this measure. There has been a lot of discussion regarding government services, business, and fairness, and this bill may somehow hurt the industry and recovery. Well my response to that is, what about the tourist industry that not only pays their General Excise Tax, but pays a Transient Accommodation Tax and creates jobs. What about the taco restaurant that we had here a few weeks ago who invested money, created jobs to open a restaurant. They pay General Excise. What about the renewable energy company who may come here and try and invest. When they sell, they will pay the General Excise Tax.

"This bill merely creates a level playing field amongst all businesses. This is a pro-business bill. If you pay general excise tax now, you're going to like this bill because everybody else who did not have to pay it will now have to pay it.

"And one of the issues that was brought up is the issue of the airlines. Prior to Continental being moved here, everyone else had to pay on their maintenance facility. They used to do it, and then when one exemption was given to one company, the other companies said, 'Well, I want mine too.'

"If you look at most tax policy books, and whether it's conservative or not, one of the key points of a tax policy is, is it fair and broad. We have broad, but it wasn't really fair. So this bill is a pro-business bill because as the Representative from Wahiawa said, if anybody has any other ideas to make up the ... I don't know. I think it's over \$300 million over two years. Then who's going to pay for it? Everybody else, so that these companies can continue to have their exemption?

"And as the speaker from Palolo said, we have over a billion dollars, and that's billion with a 'b', in exemptions. Everybody else has to come before us every year. The Department of Education, University of Hawaii, State hospitals and ask for money. But those with these exemptions, they don't have to. They get theirs every year. And so this bill, yes, it helps us balance our budget and address our shortfall. But it also helps and provides fairness in the General Excise Tax Code.

"And finally, on the issue of government. You know the Chair of Finance, the Committee, and all the Members here have done a great job to maintain costs and balance the budget. Nobody here is saying that we need to protect public jobs, but rather to protect public trusts. In a capitalist society and a society of democracy, the last time I checked, private business didn't do it on their own either. You need an educated workforce, and last I checked you can get that from the Department of Education and the University of Hawaii. To the prior speaker regarding the construction

industry, we have the trade schools at the Community College System. One of the other things that we provide is infrastructure which is another thing we talked about today. Can there be commerce without roads or harbors or airports? No. Would business invest if there's not good infrastructure? No. Will there be democracy without a public library system? No."

Representative Hashem rose to yield his time, and the Chair "so ordered."

Representative Chong continued, stating:

"Thank you. I'm almost done. And so the issue that it's the private sector that does everything. The private sector invests and they take risks. They are one of the key components of our economy. But like in life, I'm very lucky to be here as an elected official. It's a professional success. Did I do it on my own? No. Was it my third grade teacher who helped me? Yes. Was it my mom and my dad? Yes. Was it my mentor in college? Yes. Nobody does anything on their own, not even the private sector. And we all live together, and we will succeed together. Thank you."

Representative M. Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in support of the measure. I think one of the things that hasn't been said is that some of the things in the bills that we passed, or tried to pass this year have been recommendations by the experts. And by the experts I mean the Tax Review Commission. It's really easy to grandstand about certain issues when you have an audience, but really, some of the things we've been doing have been highly recommended for a number of years. I'm just happy that we can stand up today and say, we're really happy that we did not have to pass an increase in the General Excise Tax, because who does that harm? It harms the elderly.

"Who else does it harm? Children, the poor, and business. So I'd like to add some additional comments in the record, but when we're criticizing, we ought to remember that some of the actions that we have taken have been recommended by the experts. Thank you."

Representative M. Lee's written remarks are as follows:

"Mr. Speaker, I rise in favor of this measure which temporarily suspends the exemption from the general excise tax from certain persons and corporations.

"The exemptions would be suspended for 2 years at 4%. This is an essential element of the House Financial Plan, and is a matter of fairness as some entities have enjoyed this exemption for many years.

"During this period of financial crisis, everyone needs to help. Entities such as these would be helping the State to recover from the deficit, and also be a factor in avoiding an increase in the GET. I urge the Members' support."

Representative Ward rose, stating:

"Mr. Speaker, would the Representative from Kaneohe take a question without a recess?"

The Chair responded, stating:

"What is the question, Representative Ward?"

Representative Ward responded, stating:

"I guess he's not going to respond to that. The question would have been, if it's about fairness, because that was the second premise in his discussion. If it's about fairness, why did we put a sunset? It's \$175 million that in two years, suddenly those guys that are equal to all other GE Tax payers, they get to come up and get off the field. If it's just about that and not the money, I think the fairness article and the issue would have substance.

"The point is these are people who are part of the economy, and the job of the government is to be the referee in the marketplace, not playing one side or the other. I'm not going to go into the frozen bread and all the other issues that we've taken up on this Floor, where we as the government, the referee, start playing on one side of the equation and not the other. So, Mr. Speaker, if it's about fairness, this wouldn't have a sunset. And if they're looking for a modification, let's have this thing go forever and ever if they feel that strongly about it. Thank you."

Representative M. Oshiro rose to respond, stating:

"Mr. Speaker, I rise in support again with just a couple of points. I think an important one is this is a two-year measure, two years of temporarily setting aside the exemption of the GET by these businesses. It's for two years.

"The second point that needs to be made regarding the interisland shipment of goods is, at the Conference we did put in a provision in the Conference Draft to address most of the interisland shipment of goods between Honolulu and the Neighbor Islands through exclusion of the stevedoring services as subsidiaries of those major shippers such as Matson and Pasha, so it has been addressed.

"Another point on the airlines. The airlines' GET exemption came into being back when we had two airlines. Aloha and Hawaiian. And if one would go back and look at the Committee Report that was passed out back in 1991 or thereabout, it was for the specific purpose of supporting the intra-island air service between the islands. It has expanded since that time to include interstate, and now even foreign airline transportation, when back in 1991 it was to support two intra-state airlines. Today we only have one major provider. Aloha is gone, so it's primarily Hawaiian Air.

"Regarding the maintenance facility exemption, that too was done several years ago back in 1998, I believe, when then Governor Cayetano sought to woo Continental Airlines to erect and build a maintenance facility here for Continental Airlines. We created that exemption and that's where it's been all this time. And we've never gone and reviewed it.

"Just so you understand what this might mean for the airlines. If they fly about 8 million a year and they may pay about \$12 million more, in 2012 that comes out to about \$1.50 per ticket. So if they're flying between Hawaii and California, they'll pass on a \$1.50 more on a ticket of maybe \$300."

Representative Mizuno rose to yield his time, and the Chair "so ordered."

Representative M. Oshiro continued, stating:

"Thank you. If it's on a flight between here and Asia, or a ticket to Australia which is about \$900. Or a ticket to South Korea at about \$800. A ticket to Manila about \$1,000. A ticket to Tokyo for about \$1,100. This will add about another \$1.50 to \$1.90 per ticket. Those are the real numbers, Mr. Speaker, that were provided to us in public testimony by Mr. Wagner. So let's keep things in perspective. Thank you."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Thank you, Mr. Speaker. I think sometimes we forget things that have happened in the past, Mr. Speaker. As I've heard the debate from the Minority Caucus and I think about the budget that was presented to us by the previous Administration on their way out, I believe that this Body passed a budget that was less than that. So if I were a Member of the Minority Caucus, I'd be saying, 'Wow. They did more with less,' Mr. Speaker.

"And to the Representative from Kailua, as far as some of her points, if we just eliminated this Body right here, 51 Members, you're talking about \$2.5 million. If we eliminated the Senate, you're talking about \$1.25 million. If you eliminated as she said, the DCCA, that's \$5 million. In total, that's just \$8 million. So, Mr. Speaker, I don't know where the rest of the money is going to come from."

Representative Thielen rose, stating:

"Mr. Speaker, a point of personal privilege. Yes, he's misstating what I said and I'll be very glad to call a recess and go over and tell him again what I said."

Representative Tokioka: "Mr. Speaker, if I misstated, I apologize. But that's what I heard."

Representative Thielen: "Yes, he did."

Representative Tokioka: "If I misstated, I apologize, Mr. Speaker. But the point is that total comes out to \$8.75 million which is still nowhere near enough to balance the deficit that we have, Mr. Speaker. And so for those reasons, I strongly support this and I appreciate the opportunity to speak, Mr. Speaker. Thank you."

Representative Har rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. Can I please get a ruling on a potential conflict? At my law firm I represent contractors and subcontractors. Thank you," and the Chair ruled, "no conflict."

Representative Choy rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Choy's written remarks are as follows:

"Mr. Speaker. In support and in rebuttal. The Representative from Kailua is again pandering to the crowd and not making hard policy decisions, or for that matter, any sense. As with most of the rhetoric she spouts, she again tells people what they want to hear; instead of they need to hear.

"First, she does not understand that the General Excise Tax (GET) is made to tax transactions at every level. That's the reason why we pay a mere 4% instead of the 10 plus percentage point like residents of other states that have a sales tax. The General Excise Tax system embodies pyramiding.

"Second, she does not understand that by granting exemptions to certain groups, the rest of us have to pay more. Exemptions from the GET have now reached the billion dollar mark. That is equal to approximately two percentage point of GET. Wouldn't it be fairer for everyone if our GET was reduced by two points instead of favoring just few select groups?

"Third, it is not fair to give tax preferences to a specific group. I have been in business for over thirty years and have received no tax preferences from the government. Why should any one group be favored over another?

"Fourth, during the remarks by the Representative from Kailua she mentioned something about tax evasion; again not knowing the difference between tax avoidance and tax evasion. Judge Learned Hand once said:

"Anyone may arrange his affairs so that his taxes shall be as low as possible; he is not bound to choose that pattern which best pays the treasury. There is not even a patriotic duty to increase one's taxes. Over and over again the Courts have said that there is nothing sinister in so arranging affairs as to keep taxes as low as possible. Everyone does it, rich and poor alike and all do right, for nobody owes any public duty to pay more than the law demands."

"Finally, there is a lesson for all of our colleagues in this debate. That lesson is, we must be very careful when giving preferences to any special interest group. Tax preferences are like a drug that one can very easily become addicted to.

"We have witnessed how groups have become so protective of their tax preferences. We have heard the exaggerations of how jobs will be lost and industries crumble. Interference with the natural progression of economics and the success of businesses by the government is not good for the

stability or strength of our economy; I think this is a Republican philosophy.

"I stand in strong support of this measure!"

Representative Kawakami 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. We are sublessees, and we also have contractors in the family," and the Chair ruled, "no conflict."

Representative Kawakami continued to speak in support of the measure, stating:

"Thank you. In strong support. We're willing to be a part of the solution. Thank you."

Representative McKelvey rose in support of the measure and asked that the remarks of Representatives Chong and M. Oshiro be entered into the Journal as his 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. 754, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 39 ayes to 10 noes, with Representatives Brower, Ching, Cullen, Fontaine, Har, Johanson, Marumoto, Riviere, Thielen and Ward voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 139 and S.B. No. 1186, SD 2, HD 1, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1186, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Brower voting no, and with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 140 and H.B. No. 1020, HD 2, SD 2, CD 1:

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1020, HD 2, SD 2, CD 1, pass Final Reading, seconded by Representative Evans.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm going to request to put comments in the Journal. I'm sure you're going to be pleased with that. I'm voting in favor of the measure. I have one reservation and that's because of Section 4, which prematurely abolishes the harbor's modernization group, and if I may have your permission to put the comments in the Journal."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on HB1020, a bill relating to the Aloha Tower Development Corporation.

"In particular, I want to draw attention to Section 4 of this measure which prematurely abolishes the Harbors Modernization Group and reverses the important work this Legislature accomplished in 2007 and 2008.

"In 2007 my colleagues and I passed Act 127 which established an unprecedented partnership between the State Department of Transportation and the organizations that use these harbors. Known as the Harbors Modernization Group, the collaborative effort between unions, commercial shipping companies, State officials, the cruise ship industry, and similar harbor users set the framework for a comprehensive prioritization of what needed to be done to modernize our State Harbor facilities.

"An estimated 90% of everything Hawaii uses comes into this State via our State harbors. These facilities have not enjoyed the kind of upgrades

and reinvestment necessary to keep Hawaii competitive and ensure we can handle the cargo needs of our State in the 21st century.

"The Harbors Modernization Group set about to examine and prioritize harbors CIP needs and to set forth the fiscal framework to pay for the modernization.

"In 2008 the Legislature recognized the initial work of this group and enacted Act 200 to codify the first set of harbors projects under the modernization program. That Act recognized that a major multi-island modernization program is a long range effort and specifically indicated that Act 200 should remain in effect through June 30, 2016.

"The bill before us today, undoes the important and useful work of the Harbors Modernization Plan and jeopardizes the fundamental arrangements that made it possible to ensure that Hawaii has the infrastructure necessary to meet the shipping demands of a modern era.

"For the above reasons, I will vote aye with reservations on HB 1020."

Representative Hanohano rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"I have reservations for the very same reason that was raised by the Representative from Kailua. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

Conf. Com. Rep. No. 141 and H.B. No. 1039, HD 1, SD 2, CD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1039, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 47 ayes to 2 noes, with Representatives Thielen and Ward voting no, and with Representatives Carroll and Pine being excused.

At 2:43 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1270, SD 2, HD 1, CD 1
S.B. No. 651, SD 2, HD 2, CD 1
S.B. No. 570, SD 2, HD 1, CD 1
S.B. No. 754, SD 1, HD 1, CD 1
S.B. No. 1186, SD 2, HD 1, CD 1
H.B. No. 1020, HD 2, SD 2, CD 1
H.B. No. 1039, HD 1, SD 2, CD 1

REPORTS OF STANDING COMMITTEES

Representatives Takumi and Wooley, for the Committee on Education and the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 1756), recommending that S.C.R. No. 130, SD 1, 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 S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Nishimoto and Pine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1757), recommending that S.C.R. No. 145, 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 S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO DEVELOP STATEWIDE POLICIES FOR FAMILY ENGAGEMENT FOR HAWAII'S PUBLIC SCHOOLS," was referred to the Committee on Finance, with Representatives Carroll, Herkes, Nishimoto and Pine being excused.

FINAL READING

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, Herkes, Nishimoto and Pine were excused.)

H.B. No. 318, HD 2, (SD 2)
H.B. No. 404, HD 1, (SD 1)
H.B. No. 773, HD 1, (SD 1)
H.B. No. 953, HD 2, (SD 1)
H.B. No. 968, HD 1, (SD 1)
H.B. No. 1009, HD 2, (SD 2)
H.B. No. 1036, HD 1, (SD 2)
H.B. No. 1313, HD 2, (SD 1)
H.B. No. 1532, HD 2, (SD 2)

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 318, HD 2, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 318, HD 2, on the following showing of Ayes and Noes:

Ayes, 4 (Aquino, Cullen, Herkes and Fontaine). Noes, none. Excused, 1 (Tsuji).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 318, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VOG," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 404, HD 1, SD 1:

Representative B. Oshiro moved that H.B. No. 404, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of House Bill No. 404, House Draft 1, Senate Draft 1. Thank you. Mr. Speaker, this is Relating to the Issuance of a Special Purpose Revenue Bond to assist Palolo Chinese Home and its subsidiaries.

"Today the Palolo Chinese Home, a private 501(c)(3) nonprofit organization is Hawaii's largest and second oldest adult residential care home. They are a community-based free-standing geriatric care home that provides a residential non-medical setting for adult residential care, skilled nursing, intermediate-care, adult day care and overnight respite services.

"The Palolo Chinese Home continues this excellence established so long ago by adhering to their mission statement to assist and care for elders and their families by providing a continuum of care, professional and interdisciplinary in a culturally-sensitive family setting. The Palolo Chinese Home continues to honor its founding principles while moving forward with a planned growth of its facilities and programs to provide a continuum of care for Hawaii's elder community. It meets its mission to aid the aged in Hawaii regardless of the race, regardless of religion, gender, or national origin. That is why this special purpose revenue bond is so important and I rise to speak for it in strong support. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 404, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 773, HD 1, SD 1:

Representative B. Oshiro moved that H.B. No. 773, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee rose to disclose a potential conflict of interest, stating:

"I'd just like to declare a possible conflict. My husband is a graduate of St. Louis School," and the Chair ruled, "no conflict."

Representative Say rose to disclose a potential conflict of interest, stating:

"May I have a ruling on a potential conflict on behalf of Representative Yamane, Representative Chong, and myself? We're all graduates of St. Louis High School. Thank you, very much. Representative Yamane, you're okay," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 773, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 953, HD 2, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 953, HD 2, on the following showing of Ayes and Noes:

Ayes, 6 (Takumi, Rhoads, Yamashita, Belatti, Mizuno and Johanson). Noes, none. Excused, 1 (Evans).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 953, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 38 ayes to 11 noes, with Representatives Cabanilla, Ching, Cullen, Fontaine, Hanohano, Hashem, Marumoto, McKelvey, Thielen, Wooley and Yamane voting no, and with Representatives Carroll and Pine being excused.

H.B. No. 968, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 968, HD 1, on the following showing of Ayes and Noes:

Ayes, 6 (Mizuno, Keith-Agaran, Aquino, Jordan, Tsuji and Pine). Noes, none. Excused, none.

Representative B. Oshiro moved that H.B. No. 968, HD 1, SD 1, pass Final Reading, seconded by Representative Evans.

Representative M. Lee rose 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 strong support of this measure, which will ensure that Temporary Restraining Orders (TROs) issued pursuant to HRS Chapter 586 remain in effect for one hundred eighty days or until the service of a Protective Order (PO) upon the respondent, whichever occurs first.

"Temporary Restraining Orders and Protective Orders are valuable tools which victims of domestic violence can use to help protect them from abuse. However, there is a lapse in protection in cases where the respondent is served a TRO, but does not appear at the "Order to Show Cause Hearing" (OSC) where the Protective Order is granted. The approval of the Protective Order makes the TRO no longer enforceable until it has been served. Abusers are often aware of this loophole in the law and are intentionally absent from the OSC hearing to avoid service of POs, leaving domestic violence survivors vulnerable.

"This bill closes this loophole thereby providing abuse victims the safety and security that a TRO is supposed to provide them. For these reasons, I urge the Members' support."

Representative Aquino rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Aquino's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure. House Bill 968 provides coverage and greater protection for victims of domestic abuse by clarifying the transition between temporary restraining orders and protective orders. At times, there are "gaps of continuing protection" which could potentially place people in harmful and dangerous situations. Mr. Speaker, this measure is needed to ensure that these "gaps" can be covered. Domestic violence and other related issues are unfortunately a part of today's society. Bills such as this ensure victims are protected throughout the process. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 968, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1009, HD 2, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1009, HD 2, on the following showing of Ayes and Noes:

Ayes, 4 (Keith-Agaran, Choy, McKelvey and Thielen). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1009, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1036, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1036, HD 1, on the following showing of Ayes and Noes:

Ayes, 4 (Rhoads, Yamashita, B. Oshiro and Fontaine). Noes, none. Excused, none.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1036, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1313, HD 2, SD 1:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1313, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

H.B. No. 1532, HD 2, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1532, HD 2, on the following showing of Ayes and Noes:

Ayes, 3 (B. Oshiro, Choy and Luke). Noes, none. Excused, 1 (Thielen).

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1532, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS," passed Final Reading by a vote of 49 ayes, with Representatives Carroll and Pine being excused.

At 2:51 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 318, HD 2, SD 2
H.B. No. 404, HD 1, SD 1
H.B. No. 773, HD 1, SD 1
H.B. No. 953, HD 2, SD 1
H.B. No. 968, HD 1, SD 1
H.B. No. 1009, HD 2, SD 2
H.B. No. 1036, HD 1, SD 2
H.B. No. 1313, HD 2, SD 1
H.B. No. 1532, HD 2, SD 2

At 2:51 o'clock p.m. Representative Tokioka requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:00 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Awana, Cabanilla, Carroll, Har, Pine and Takai were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Awana, Carroll, Har and Pine were excused.)

H.B. No. 575, HD 1, (SD 2)
 H.B. No. 916, (SD 1)
 H.B. No. 922, (SD 3)
 H.B. No. 1038, HD 2, (SD 2)
 H.B. No. 1076, HD 1, (SD 2)

ANNOUNCEMENTS

Representative Ito: "Mr. Speaker, I'd like to take this time to say thank you to everyone who supported the Foodbank this year and acknowledge some of the people. I want to thank:

The Chief Clerk, Pat Mau-Shimizu and the staff of CCO for the Taste of CCO, and the Peanut Butter Sandwiches;
 Representative Manahan for the Spaghetti Plate Lunch;
 Representative Aquino for the Tanioka Bentos;
 The Freshman Class, Representatives Cullen, Ichiyama, Hashem, Jordan and Morikawa for the Freshman Bake Sale;
 Representatives Tsuji and Hashem for Ag Awareness Day;
 Representative Nakashima for the Jamba Juice;
 Representative Keith-Agaran for Bentos, Sushi and the Mystery Bag event;
 Representative Mizuno for the Filipino Breakfast;
 Representative Awana for the Naked Cow Dairy;
 Representative Choy's Frozen Assets Ice Cream;
 Representatives Yamashita, Hashem, Blake Oshiro, Chong, Manahan, Choy, and Souki for the Bizarre Bazaar;
 Representative Rhoads for their Bake Sale; and
 Mr. Speaker, your office for the Musubi Sale.

"As we all know, none of us could do any of these events without the help of staff. They are the ones working quietly behind the scenes to help make all of us look good! So I would like to give a wholehearted thanks to all of the staff, especially my office manager Melissa Miranda-Johnson for coordinating this event. In addition, for anyone who purchased something at the various events or wore a Foodbank t-shirt, thank you very much for your support.

"As a result, the House has donated a total of \$10,846.75 to the Hawaii Foodbank, the Maui Food Bank, the Food Basket on Hawaii Island and the Kauai Independent Food Bank. So Members, thank you very much."

Representative Fontaine: "Yes, Mr. Speaker. I just wanted to thank the Majority Caucus, Speaker Say, and Representative Marilyn Lee for the fabulous lunch today. Again, thank you for inviting us."

Representative Ching: "Thank you so much, Mr. Speaker. On this occasion of May 3rd, I did want to announce that it is Teacher Appreciation Day, as well as week. So maybe we can all take time to thank those in our district who help make education better.

"And on that note as well, just to let you know that May does celebrate Historic Preservation Month, remembering our unique culture and our unique heritage. Thank you."

Representative Ward: "Mr. Speaker. I have an invitation from Gladys Burrill, the world's oldest marathon finisher. She was our guest speaker at the Fellowship Luncheon. It came about as we were talking about her longevity and her energy within the group. I believe it was the Representative from Waikiki who said, 'What if we came alongside you in the 2011 Marathon?'

"So we're in the process of opening an invitation. I just want to give a verbal one now, but there will be invitations coming to walk 26 miles with the world's oldest marathon finisher, Gladys Burrill. Thank you."

At 3:06 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 3:06 o'clock p.m.

ADJOURNMENT

At 3:07 o'clock p.m. on motion by Representative Evans, seconded by Representative Ching and carried, the House of Representatives adjourned until 10:00 o'clock a.m. Thursday, May 5, 2011. (Representatives Awana, Carroll, Har and Pine were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 2, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 575, Discharged all conferees.
 HD 1, SD 2

House Communication dated May 2, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 1076, Discharged all conferees.
 HD 1, SD 2

House Communication dated May 3, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 14, 2011, and gives notice of intent to agree to the following House Bills:

H.B. No. 575, HD 1, SD 2
 H.B. No. 916, SD 1
 H.B. No. 922, SD 3
 H.B. No. 1038, HD 2, SD 2
 H.B. No. 1076, HD 1, SD 2

House Communication dated May 3, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 318, HD 2, SD 2
 H.B. No. 404, HD 1, SD 1
 H.B. No. 773, HD 1, SD 1
 H.B. No. 953, HD 2, SD 1
 H.B. No. 968, HD 1, SD 1
 H.B. No. 1009, HD 2, SD 2
 H.B. No. 1036, HD 1, SD 2
 H.B. No. 1313, HD 2, SD 1
 H.B. No. 1532, HD 2, SD 2

House Communication dated May 3, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 467, HD 2, SD 1
 H.B. No. 924, HD 2, SD 2
 H.B. No. 1056, HD 1, SD 2
 H.B. No. 1107, HD 1, SD 2
 H.B. No. 1434, HD 2, SD 1

House Communication dated May 3, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bills on Final Reading:

H.B. No. 4, HD 2, SD 2, CD 1

H.B. No. 44, HD 1, SD 1, CD 1
 H.B. No. 56, HD 2, SD 2, CD 1
 H.B. No. 117, HD 2, SD 2, CD 1
 H.B. No. 141, HD 1, SD 1, CD 1
 H.B. No. 200, HD 1, SD 1, CD 1
 H.B. No. 227, HD 2, SD 2, CD 1
 H.B. No. 240, SD 1, CD 1
 H.B. No. 300, HD 2, SD 2, CD 1
 H.B. No. 301, SD 1, CD 1
 H.B. No. 319, HD 1, SD 1, CD 1
 H.B. No. 331, HD 2, SD 2, CD 1
 H.B. No. 423, HD 1, SD 1, CD 1
 H.B. No. 484, SD 2, CD 1
 H.B. No. 491, HD 1, SD 1, CD 1
 H.B. No. 545, HD 1, SD 1, CD 1
 H.B. No. 555, HD 1, SD 1, CD 1
 H.B. No. 593, HD 1, SD 1, CD 1
 H.B. No. 597, HD 1, SD 1, CD 1
 H.B. No. 605, HD 2, SD 2, CD 1
 H.B. No. 616, HD 2, SD 2, CD 1
 H.B. No. 663, HD 2, SD 2, CD 1
 H.B. No. 667, HD 1, SD 2, CD 1
 H.B. No. 680, SD 2, CD 1
 H.B. No. 688, HD 2, SD 2, CD 1
 H.B. No. 716, HD 1, SD 1, CD 1
 H.B. No. 739, HD 2, SD 1, CD 1
 H.B. No. 747, HD 1, SD 2, CD 1
 H.B. No. 761, HD 1, SD 2, CD 1
 H.B. No. 801, HD 2, SD 2, CD 1
 H.B. No. 828, HD 2, SD 1, CD 1
 H.B. No. 838, HD 2, SD 1, CD 1
 H.B. No. 855, HD 1, SD 1, CD 1
 H.B. No. 866, HD 2, SD 2, CD 1
 H.B. No. 889, HD 2, SD 2, CD 1
 H.B. No. 909, HD 2, SD 2, CD 1
 H.B. No. 931, SD 1, CD 1
 H.B. No. 945, HD 2, SD 1, CD 1
 H.B. No. 960, HD 1, SD 2, CD 1
 H.B. No. 985, HD 2, SD 2, CD 1
 H.B. No. 1000, HD 2, SD 2, CD 1
 H.B. No. 1003, HD 2, SD 2, CD 1
 H.B. No. 1005, HD 2, SD 2, CD 1
 H.B. No. 1020, HD 2, SD 2, CD 1
 H.B. No. 1039, HD 1, SD 2, CD 1
 H.B. No. 1045, HD 1, SD 2, CD 1
 H.B. No. 1049, HD 2, SD 2, CD 1
 H.B. No. 1052, HD 2, SD 1, CD 1
 H.B. No. 1060, HD 1, SD 2, CD 1
 H.B. No. 1070, HD 2, SD 2, CD 1
 H.B. No. 1071, HD 2, SD 1, CD 1
 H.B. No. 1079, HD 2, SD 1, CD 1
 H.B. No. 1082, HD 1, SD 2, CD 1
 H.B. No. 1085, HD 2, SD 2, CD 1
 H.B. No. 1088, HD 1, SD 1, CD 1
 H.B. No. 1089, HD 1, SD 1, CD 1
 H.B. No. 1094, HD 1, SD 2, CD 1
 H.B. No. 1138, SD 2, CD 1
 H.B. No. 1155, HD 1, SD 1, CD 1
 H.B. No. 1164, HD 1, SD 1, CD 1
 H.B. No. 1230, HD 2, SD 1, CD 1
 H.B. No. 1241, HD 2, SD 2, CD 1
 H.B. No. 1286, HD 2, SD 1, CD 1
 H.B. No. 1333, HD 1, SD 1, CD 1
 H.B. No. 1342, HD 1, SD 2, CD 1
 H.B. No. 1368, HD 2, SD 1, CD 1
 H.B. No. 1405, HD 1, SD 1, CD 1
 H.B. No. 1505, HD 2, SD 1, CD 1
 H.B. No. 1520, HD 2, SD 2, CD 1
 H.B. No. 1566, HD 1, SD 1, CD 1
 H.B. No. 1568, HD 2, SD 2, CD 1
 H.B. No. 1613, HD 1, SD 1, CD 1
 H.B. No. 1654, HD 1, SD 1, CD 1
 S.B. No. 2, SD 2, HD 1, CD 1

S.B. No. 14, SD 2, HD 1, CD 1
 S.B. No. 23, SD 1, HD 2, CD 1
 S.B. No. 34, SD 1, HD 1, CD 1
 S.B. No. 40, SD 2, HD 2, CD 1
 S.B. No. 44, SD 1, HD 1, CD 1
 S.B. No. 45, HD 1, CD 1
 S.B. No. 49, SD 1, HD 2, CD 1
 S.B. No. 52, SD 1, HD 1, CD 1
 S.B. No. 101, SD 1, HD 2, CD 1
 S.B. No. 105, SD 2, HD 1, CD 1
 S.B. No. 142, SD 1, HD 1, CD 1
 S.B. No. 146, SD 1, HD 2, CD 1
 S.B. No. 163, SD 1, HD 1, CD 1
 S.B. No. 172, SD 2, HD 2, CD 1
 S.B. No. 181, SD 1, HD 1, CD 1
 S.B. No. 217, SD 2, HD 2, CD 1
 S.B. No. 229, SD 1, HD 2, CD 1
 S.B. No. 281, SD 2, HD 2, CD 1
 S.B. No. 283, SD 1, HD 1, CD 1
 S.B. No. 285, SD 2, HD 2, CD 1
 S.B. No. 298, SD 3, HD 3, CD 1
 S.B. No. 570, SD 2, HD 1, CD 1
 S.B. No. 631, SD 1, HD 2, CD 1
 S.B. No. 651, SD 2, HD 2, CD 1
 S.B. No. 742, SD 2, HD 1, CD 1
 S.B. No. 754, SD 1, HD 1, CD 1
 S.B. No. 758, SD 1, HD 2, CD 1
 S.B. No. 806, SD 1, HD 2, CD 1
 S.B. No. 903, SD 1, HD 1, CD 1
 S.B. No. 975, SD 1, HD 2, CD 1
 S.B. No. 986, SD 2, HD 3, CD 1
 S.B. No. 1025, SD 1, HD 1, CD 1
 S.B. No. 1067, SD 1, HD 2, CD 1
 S.B. No. 1068, SD 1, HD 1, CD 1
 S.B. No. 1073, SD 2, HD 2, CD 1
 S.B. No. 1089, SD 1, HD 2, CD 1
 S.B. No. 1154, SD 2, HD 1, CD 1
 S.B. No. 1174, SD 2, HD 1, CD 1
 S.B. No. 1186, SD 2, HD 1, CD 1
 S.B. No. 1213, SD 1, HD 1, CD 1
 S.B. No. 1221, SD 2, HD 1, CD 1
 S.B. No. 1244, SD 2, HD 1, CD 1
 S.B. No. 1270, SD 2, HD 1, CD 1
 S.B. No. 1274, SD 2, HD 3, CD 1
 S.B. No. 1277, SD 2, HD 2, CD 1
 S.B. No. 1278, SD 1, HD 2, CD 1
 S.B. No. 1282, SD 1, HD 1, CD 1
 S.B. No. 1284, SD 2, HD 1, CD 1
 S.B. No. 1290, SD 1, HD 2, CD 1
 S.B. No. 1328, SD 1, HD 2, CD 1
 S.B. No. 1329, SD 1, HD 2, CD 1
 S.B. No. 1331, SD 2, HD 2, CD 1
 S.B. No. 1347, SD 1, HD 2, CD 1
 S.B. No. 1348, SD 2, HD 3, CD 1
 S.B. No. 1383, SD 2, HD 2, CD 1
 S.B. No. 1394, SD 1, HD 1, CD 1
 S.B. No. 1482, SD 1, HD 1, CD 1
 S.B. No. 1483, SD 1, HD 1, CD 1
 S.B. No. 1485, SD 1, HD 1, CD 1
 S.B. No. 1493, SD 1, HD 3, CD 1
 S.B. No. 1503, SD 2, HD 1, CD 1
 S.B. No. 1511, SD 1, HD 2, CD 1
 S.B. No. 1519, SD 3, HD 2, CD 1
 S.B. No. 1520, SD 2, HD 3, CD 1
 S.B. No. 1530, SD 1, HD 2, CD 1
 S.B. No. 1555, SD 2, HD 2, CD 1

SIXTIETH DAY

Thursday, May 5, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 10:17 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Nishimoto and Pine, who were excused.

On motion by Representative Evans, seconded by Representative Ching and carried, reading of the Journal was dispensed with and the Journals of the Thirty-Seventh, Thirty-Eighth, Thirty-Ninth, Fortieth, Forty-First, Forty-Second, Forty-Third, Forty-Fourth, Forty-Fifth, Forty-Sixth, Forty-Seventh and Forty-Eighth Days were approved. (Representatives Carroll, Nishimoto and Pine were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1134 and 1135) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1134, informing the House that on May 02, 2011, the following bill was signed into law:

H.B. No. 546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS." (ACT 034)

Gov. Msg. No. 1135, informing the House that on May 02, 2011, the following bill was signed into law:

H.B. No. 1640, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION." (ACT 035)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 692 through 699) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 692, transmitting H.C.R. No. 298, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," which was adopted by the Senate on May 3, 2011.

Sen. Com. No. 693, transmitting H.B. No. 400, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on May 3, 2011.

Sen. Com. No. 694, dated May 3, 2011, informing the House that the following bills have this day passed Final Reading in the Senate:

H.B. No. 4, HD 2, SD 2, CD 1
 H.B. No. 44, HD 1, SD 1, CD 1
 H.B. No. 56, HD 2, SD 2, CD 1
 H.B. No. 117, HD 2, SD 2, CD 1
 H.B. No. 141, HD 1, SD 1, CD 1
 H.B. No. 227, HD 2, SD 2, CD 1
 H.B. No. 240, SD 1, CD 1
 H.B. No. 243, HD 1, SD 1, CD 1
 H.B. No. 300, HD 2, SD 2, CD 1
 H.B. No. 301, SD 1, CD 1
 H.B. No. 319, HD 1, SD 1, CD 1
 H.B. No. 331, HD 2, SD 2, CD 1
 H.B. No. 423, HD 1, SD 1, CD 1
 H.B. No. 484, SD 2, CD 1
 H.B. No. 491, HD 1, SD 1, CD 1
 H.B. No. 545, HD 1, SD 1, CD 1

H.B. No. 555, HD 1, SD 1, CD 1
 H.B. No. 593, HD 1, SD 1, CD 1
 H.B. No. 597, HD 1, SD 1, CD 1
 H.B. No. 605, HD 2, SD 2, CD 1
 H.B. No. 616, HD 2, SD 2, CD 1
 H.B. No. 663, HD 2, SD 2, CD 1
 H.B. No. 667, HD 1, SD 2, CD 1
 H.B. No. 680, SD 2, CD 1
 H.B. No. 688, HD 2, SD 2, CD 1
 H.B. No. 716, HD 1, SD 1, CD 1
 H.B. No. 739, HD 2, SD 1, CD 1
 H.B. No. 747, HD 1, SD 2, CD 1
 H.B. No. 761, HD 1, SD 2, CD 1
 H.B. No. 801, HD 2, SD 2, CD 1
 H.B. No. 828, HD 2, SD 1, CD 1
 H.B. No. 838, HD 2, SD 1, CD 1
 H.B. No. 855, HD 1, SD 1, CD 1
 H.B. No. 866, HD 2, SD 2, CD 1
 H.B. No. 889, HD 2, SD 2, CD 1
 H.B. No. 909, HD 2, SD 2, CD 1
 H.B. No. 931, SD 1, CD 1
 H.B. No. 945, HD 2, SD 1, CD 1
 H.B. No. 960, HD 1, SD 2, CD 1
 H.B. No. 985, HD 2, SD 2, CD 1
 H.B. No. 1000, HD 2, SD 2, CD 1
 H.B. No. 1003, HD 2, SD 2, CD 1
 H.B. No. 1005, HD 2, SD 2, CD 1
 H.B. No. 1020, HD 2, SD 2, CD 1
 H.B. No. 1039, HD 1, SD 2, CD 1
 H.B. No. 1045, HD 1, SD 2, CD 1
 H.B. No. 1049, HD 2, SD 2, CD 1
 H.B. No. 1052, HD 2, SD 1, CD 1
 H.B. No. 1060, HD 1, SD 2, CD 1
 H.B. No. 1070, HD 2, SD 2, CD 1
 H.B. No. 1071, HD 2, SD 1, CD 1
 H.B. No. 1079, HD 2, SD 1, CD 1
 H.B. No. 1082, HD 1, SD 2, CD 1
 H.B. No. 1085, HD 2, SD 2, CD 1
 H.B. No. 1088, HD 1, SD 1, CD 1
 H.B. No. 1089, HD 1, SD 1, CD 1
 H.B. No. 1094, HD 1, SD 2, CD 1
 H.B. No. 1138, SD 2, CD 1
 H.B. No. 1155, HD 1, SD 1, CD 1
 H.B. No. 1164, HD 1, SD 1, CD 1
 H.B. No. 1230, HD 2, SD 1, CD 1
 H.B. No. 1241, HD 2, SD 2, CD 1
 H.B. No. 1286, HD 2, SD 1, CD 1
 H.B. No. 1333, HD 1, SD 1, CD 1
 H.B. No. 1342, HD 1, SD 2, CD 1
 H.B. No. 1368, HD 2, SD 1, CD 1
 H.B. No. 1405, HD 1, SD 1, CD 1
 H.B. No. 1505, HD 2, SD 1, CD 1
 H.B. No. 1520, HD 2, SD 2, CD 1
 H.B. No. 1566, HD 1, SD 1, CD 1
 H.B. No. 1568, HD 2, SD 2, CD 1
 H.B. No. 1613, HD 1, SD 1, CD 1
 H.B. No. 1654, HD 1, SD 1, CD 1
 S.B. No. 2, SD 2, HD 1, CD 1
 S.B. No. 14, SD 2, HD 1, CD 1
 S.B. No. 23, SD 1, HD 2, CD 1
 S.B. No. 34, SD 1, HD 1, CD 1
 S.B. No. 40, SD 2, HD 2, CD 1
 S.B. No. 44, SD 1, HD 1, CD 1
 S.B. No. 45, HD 1, CD 1
 S.B. No. 49, SD 1, HD 2, CD 1
 S.B. No. 52, SD 1, HD 1, CD 1
 S.B. No. 101, SD 1, HD 2, CD 1
 S.B. No. 105, SD 2, HD 1, CD 1
 S.B. No. 142, SD 1, HD 1, CD 1
 S.B. No. 146, SD 1, HD 2, CD 1
 S.B. No. 163, SD 1, HD 1, CD 1

S.B. No. 172, SD 2, HD 2, CD 1
 S.B. No. 181, SD 1, HD 1, CD 1
 S.B. No. 217, SD 2, HD 2, CD 1
 S.B. No. 229, SD 1, HD 2, CD 1
 S.B. No. 281, SD 2, HD 2, CD 1
 S.B. No. 283, SD 1, HD 1, CD 1
 S.B. No. 285, SD 2, HD 2, CD 1
 S.B. No. 298, SD 3, HD 3, CD 1
 S.B. No. 570, SD 2, HD 1, CD 1
 S.B. No. 631, SD 1, HD 2, CD 1
 S.B. No. 651, SD 2, HD 2, CD 1
 S.B. No. 742, SD 2, HD 1, CD 1
 S.B. No. 754, SD 1, HD 1, CD 1
 S.B. No. 758, SD 1, HD 2, CD 1
 S.B. No. 806, SD 1, HD 2, CD 1
 S.B. No. 903, SD 1, HD 1, CD 1
 S.B. No. 975, SD 1, HD 2, CD 1
 S.B. No. 986, SD 2, HD 3, CD 1
 S.B. No. 1025, SD 1, HD 1, CD 1
 S.B. No. 1067, SD 1, HD 2, CD 1
 S.B. No. 1068, SD 1, HD 1, CD 1
 S.B. No. 1073, SD 2, HD 2, CD 1
 S.B. No. 1089, SD 1, HD 2, CD 1
 S.B. No. 1154, SD 2, HD 1, CD 1
 S.B. No. 1174, SD 2, HD 1, CD 1
 S.B. No. 1186, SD 2, HD 1, CD 1
 S.B. No. 1213, SD 1, HD 1, CD 1
 S.B. No. 1221, SD 2, HD 1, CD 1
 S.B. No. 1244, SD 2, HD 1, CD 1
 S.B. No. 1270, SD 2, HD 1, CD 1
 S.B. No. 1274, SD 2, HD 3, CD 1
 S.B. No. 1277, SD 2, HD 2, CD 1
 S.B. No. 1278, SD 1, HD 2, CD 1
 S.B. No. 1282, SD 1, HD 1, CD 1
 S.B. No. 1284, SD 2, HD 1, CD 1
 S.B. No. 1290, SD 1, HD 2, CD 1
 S.B. No. 1328, SD 1, HD 2, CD 1
 S.B. No. 1329, SD 1, HD 2, CD 1
 S.B. No. 1331, SD 2, HD 2, CD 1
 S.B. No. 1347, SD 1, HD 2, CD 1
 S.B. No. 1348, SD 2, HD 3, CD 1
 S.B. No. 1383, SD 2, HD 2, CD 1
 S.B. No. 1394, SD 1, HD 1, CD 1
 S.B. No. 1482, SD 1, HD 1, CD 1
 S.B. No. 1483, SD 1, HD 1, CD 1
 S.B. No. 1485, SD 1, HD 1, CD 1
 S.B. No. 1493, SD 1, HD 3, CD 1
 S.B. No. 1503, SD 2, HD 1, CD 1
 S.B. No. 1511, SD 1, HD 2, CD 1
 S.B. No. 1519, SD 3, HD 2, CD 1
 S.B. No. 1520, SD 2, HD 3, CD 1
 S.B. No. 1530, SD 1, HD 2, CD 1
 S.B. No. 1555, SD 2, HD 2, CD 1

Sen. Com. No. 695, dated May 3, 2011, informing the House that the Senate has on April 29, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 11, SD 2, HD 2

Sen. Com. No. 696, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 173, SD 2, HD 2
 S.B. No. 1040, SD 1, HD 2
 S.B. No. 1153, SD 1, HD 2

Sen. Com. No. 697, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on March 31, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 1069, SD 1, HD 1
 S.B. No. 1489, SD 1, HD 1

Sen. Com. No. 698, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on April 6, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1533, SD 1, HD 1

Sen. Com. No. 699, dated May 3, 2011, informing the House that the following bill has this day passed Final Reading:

H.B. No. 200, HD 1, SD 1, CD 1

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Rhoads introduced his legislative staff: Legislative Aides, Ms. Kelly Morikone and Mr. Anthony Chang; Interns, Mr. Davin Aoyagi and Mr. Joseph Veary; Committee Clerk, Mr. Ryan Hew; and Office Manager, Mr. Sonny Le.

Representative Rhoads also introduced Mr. Wes Machida of the Employees Retirement System.

Representative Yamashita introduced the 5th grade students, teachers and chaperones of Pukalani Elementary School visiting from Maui.

Representative Fontaine introduced his legislative staff: Ms. Kehau Cortez-Camero and Mr. Jeffrey Lyons.

Representative Hashem introduced his friend, Ms. Fran Kagawa.

Representative Hashem also introduced his legislative staff: Ms. Dorothy Mulkern and Ms. Angelica Moore.

Representative Thielen introduced her Office Manager, Ms. Melody Heidel.

Representative Awana introduced fellows participating in the East-West Center's Asia Pacific Leadership Program. They were accompanied by Leadership Program staff, Ms. Christina Monroe; and legislative staff, Mr. Kent Jiang, Mr. Enoka Lucas, Mr. Yoon Ju Kim and Mr. Rodney Silva; and Sir William Souza.

Speaker Say introduced former Iowa State Speaker of the House, Representative Christopher Rants.

At 10:25 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:20 o'clock a.m.

ORDER OF THE DAY

The Chair then announced:

"Members, at this time please note that per Referral Sheet No. 69, SCR No. 130, SD 1 has been re-referred solely to the Committees on Education, and Culture & the Arts; and SCR No. 145 has been re-referred solely to the Committee on Education. The Committee on Finance has waived its

referral to these measures and it is therefore appropriate for the House to consider action for adoption."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.C.R. No. 130, SD 1; and S.C.R. No. 145. (Representatives Carroll, Nishimoto and Pine were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 1756 and 1757, recommending referral to the Committee on Finance, seconded by Representative Evans and carried. (Representatives Carroll, Nishimoto and Pine were excused.)

UNFINISHED BUSINESS

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," was adopted, with Representatives Carroll, Nishimoto and Pine being excused.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO DEVELOP STATEWIDE POLICIES FOR FAMILY ENGAGEMENT FOR HAWAII'S PUBLIC SCHOOLS," was adopted, with Representatives Carroll, Nishimoto and Pine being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ching and carried, the rules were suspended for the purpose of considering certain House and Senate Bills for Final Reading by consent calendar. (Representatives Carroll, Nishimoto and Pine were excused.)

UNFINISHED BUSINESS

S.B. No. 120, SD 1, HD 1, CD 2:

Representative B. Oshiro moved that S.B. No. 120, SD 1, HD 1, CD 2, pass Final Reading, seconded by Representative Evans.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, this is an important part of our overall financial plan to make sure that we not only have enough money for services in this current fiscal year, but to assure a healthy ending balance for the biennium for the next two years.

"I'd like to note the following changes to the bill currently before us and in agreement with the Conference Committee for this Conference Draft. Number one, there is no diversion of money to the Land Conservation Fund. There is also no diversion of money from the Department of Commerce and Consumer Affairs dedicated to the Division of Financial Institutions, the banking regulatory arm. Also, this bill no longer contains any payback of interest on the GO Bonds issued on behalf of the Department of Commerce and Consumer Affairs. And also, Mr. Speaker,

the provision to transfer money from the Tobacco Prevention and Control Trust Fund corpus, about \$50 million in the corpus, is no longer in this bill before us.

"It does, however, Mr. Speaker, contain a two year diversion of the master settlement tobacco money that otherwise would go to the Emergency Budget Reserve Fund, also known as the Rainy Day Fund, approximately \$6.5 million every year for the next two years, and the Tobacco Control and Prevention Trust Fund, \$3.8 million per year for the next two years. Mr. Speaker, this bill also repeals and restructures about 15 special and revolving funds, and transfers a little over \$17 million from 18 special and revolving funds.

"Just to take note, Mr. Speaker, that in 2009 we diverted about \$96 million in excess non-general funds to the general fund to help us balance the budget. In 2010 we transferred about \$45 million from those same revolving and special funds. This year we are transferring about \$17 million. In other bills passed earlier by this Body, we tapped out the Rainy Day Fund, and we also authorized the Governor, recently, to draw down additional moneys from the Hawaii Hurricane Relief Fund.

"Mr. Speaker, the point I need to make this morning is that going forward this Session, we have no reserve of funds. There is no Rainy Day Fund and very little non-general funds to look to transfer except for one, Mr. Speaker. And that fund is about \$50 million residing in the Tobacco Control and Prevention Trust Fund corpus currently held by the Hawaii Community Foundation. Thank you."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you. First I'd like to adopt the words of the Finance Committee Chairman as if they were my own. Thank you, Mr. Speaker.

"One thing he failed to mention and, I guess he mentioned it at the very end, is that one of the reasons why I stand here in support of this particular measure is that they did pull out the provision to take from the corpus of the Tobacco Settlement Trust Fund and for that I commend him and the other Conferees for doing so.

"The reason why I have some reservations though is in 1999 when we set up the Tobacco Special Fund, when we all set it up and looked at this as one of the historic Acts that we passed as a Legislature, and for that matter leading the entire nation, I said then and I say it again, that I wanted to, as long as I'm here on the House Floor, to support what we did in 1999. This is the first time, Mr. Speaker, that I'm supporting a measure on this Floor that erodes from the tobacco prevention efforts funding, but I do so because I appreciate the efforts of the Finance Chair and the Conferees for eliminating the take from the corpus.

"Number two, Mr. Speaker, I appreciate and do support wholeheartedly, the reporting requirements now on page 40 in section 60. We will in a few months understand and appreciate, I hope, the work that the tobacco prevention advocates have done over the course of the last 10 years or so. But this particular measure requires a study to be conducted to analyze the benefits of the money going into tobacco prevention and control efforts and I believe that is prudent and wise on our part, and necessary as we move forward.

"So, Mr. Speaker, I stand here in support with reservations, but I do so because I do understand the reason why this bill is in front of us and how it fits into the financial plan. Thank you."

Representative M. Oshiro rose to respond, stating:

"Mr. Speaker, just to allay the fears of the previous speaker, there is about \$52 or \$53 million in the corpus held by the Hawaii Community Foundation. Review of the most recent report filed with the Department of Health reveals that over the past several years they've spent about \$5 million a year on various programs and services geared towards the prevention and the discontinuance of using tobacco so that even with the diversion of only two years, there is sufficient money to expend and

sustain the level of programming over about 10 years should there be no further moneys going into the current trust fund.

"So I just wanted to allay any fears that people might have that they have insufficient funds. There's more than enough money in the trust fund, about \$50 million given their recent spending habits and practices of about \$5 million a year. Mr. Speaker. Thank you."

Representative Takai rose to respond, stating:

"Thank you, Mr. Speaker. I'd like to also adopt the words of the Finance Chair, his recent words, as if they were my own. Because I do agree with him. But recall in 1999 when we set up this Fund, we set it up to create a funding mechanism for tobacco prevention and control efforts in perpetuity. Our goal back then, and I hope our goal in the future, is to ensure that funding doesn't end after they spend the \$50 million over the next 10 years at \$5 million.

"Our goal, I believe, in 1999 and I think to this day, is to make sure that we have enough funding in that particular fund to continue forever or at least until tobacco disappears. So my hope is that through the reporting requirements prescribed in this bill that we as a Legislature will get a clear understanding of the benefits that have come as a result of this funding and hope that in the future we do not, we do not continue this take from the tobacco prevention efforts and we do not erode the corpus. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 120, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading, with Representative Rhoads voting no, and with Representatives Carroll, Nishimoto and Pine being excused.

At 11:31 o'clock a.m., the Chair noted that the following bill passed Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

FINAL READING

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 916, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 916, on the following showing of Ayes and Noes:

Ayes, 4 (Souki, Yamane, Ichiyama, Johanson). Noes, none, Excused, 1 (M. Lee).

Representative B. Oshiro moved that H.B. No. 916, SD 1, be recommitted to the Committee on Finance, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 916, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," was recommitted to the Committee on Finance, with Representatives Carroll, Nishimoto and Pine being excused.

H.B. No. 922, SD 3:

Representative B. Oshiro moved that H.B. No. 922, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

Representative Wooley rose to speak in opposition to the motion to recommit, stating:

"Thank you, Mr. Speaker. I'd like to oppose this motion. Every moment that we fail to meet our responsibilities toward the Hawaiian people, and every time we make it more difficult for them to keep the ties that they may have to the land, the quicker we're going to cause their extinction, not only of the people, but of the culture. And I'm going to again read something that I read during the invocation, from King Kalakaua.

In the midst of prosperity and advancement, it is but too apparent that the natives are steadily decreasing in numbers and gradually losing their hold upon the fair land of their ancestors. Within a century, they have dwindled from 400,000 healthy children of nature, to a little more than a tenth of that number of landless, hopeless victims to the greed and vices of civilization. They are slowly sinking under the restraints and burdens of their surroundings and will in time, succumb to social and political conditions foreign to their natures and poisonous to their blood.

Year by year their footprints will grow more dim along the sands of their reef-sheltered shores, and fainter and fainter will come their songs until finally their voices will be heard no more, forever. And then, if not before, and no human effort can shape it otherwise, the Hawaiian Islands with the echoes of their songs will pass into the political as they are now firmly within the commercial system of the great American Republic.

"And despite that, I was also able to find another quote to give me some hope, from King Kalakaua: The fire of hope almost went out. We have to rekindle it.

"This bill is a very simple bill, *manini* in some respects, because the only thing it does is it provides leaseholders of 999-year leases that they have had since before the State was a Territory, it gives them a tool that fee-simple landowners also have and have used successfully, particularly *kuleana* lands. It's a tool to allow families to create family land trusts. It's been successful, and the remaining families who have these leases have been begging for it for years.

"This bill was first introduced in 2009. It moved through the House. It moved through the Senate. It passed unanimously in the House. It passed almost unanimously in the Senate. It was vetoed by Governor Lingle at that time because my understanding, based on conversations with Cynthia Thielen, they wanted the families to default on their leases, so the land would return to the State and the State could sell it to the highest bidder.

"So I must say that I'm very disappointed to see that there have been enough no votes to cause this to be considered for recommitment. I'm ashamed that the people in this room are unwilling to take the responsibility that they owe to the State and to the Hawaiian people.

"In the testimony that came forward during Committee hearings, I want to just quote a couple things from some of the families who may lose this land.

We have seen Hawaiian people lose their *aina* in piecemeal portions over the years through the illegal and legal means that were not understood by our ancestors. I for one realize we cannot bring back the old ways, however I want to preserve that which is good, the past generations, and look forward to a blending of that which was good in the olden days with that which is good for our people's future.

Holding the lease in a trust would resolve most of the issues that could occur between family members because there will be an organized body of likeminded family members interested in preserving the land and lease rights in a cooperative way where all share in the responsibility and the upkeep of the land and other expenses. The farm, as we affectionately call it, is where we have had opportunities to gather, farm, and as previous generations have gathered for years, to celebrate the family events that binds our families together from the past and onto the future.

"And in another testimony it says ..."

Representative Hashem rose to yield his time, and the Chair "so ordered."

Representative Wooley continued, stating:

"While HB No. 921, which this year is HB No. 922, does not provide a magic bullet to solve all problems, it gives real hope to families by allowing them to pull their energies and resources to solve them together themselves. At no cost to the State, it also creates a strong incentive for cooperation and positive participation. And perhaps most importantly of all, it allows them to dream together to establish a collective vision of what is possible and to ask themselves integral questions such as, 'What would our *kupuna* want?'"

"Now I realize that there are some people who would much rather see the land auctioned to the highest bidder; sold, and develop. I'm not one of them. It's one reason I've continued to fight for this bill since 2009. And the families that will be affected are not just in Hauula. They're in Waianae. They're in Maui. They're in Molokai. They're in the Big Island. And they're in Kauai. All those families are working very hard to keep their families together on the land. I hope that those of you who may have caused this to happen will receive your due."

Representative Thielen rose to speak in support of the motion to recommit, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak in favor of the motion to recommit. Thank you, Mr. Speaker. If the former speaker used my name with an assumption that I wanted to have the land be available to be sold, I'd like to ask her, where on earth she got that impression? If she used my daughter's name, which I don't believe she did, I think that my daughter should have an opportunity to state what was truly the case and the facts. So to that extent, I really challenge her statement in using that last name of Thielen."

"Mr. Speaker, I'd like to just read from the former Governor's objection to the prior bill. And in her objection she stated that the bill from the prior year, does not address the underlying issue of how to best resolve family disputes that were identified in the purpose section of the bill."

"The Governor also noted that the establishment of a trust can complicate the process because descendants must now also agree on the process of setting up the trust, appointing the trustee, and naming the beneficiaries. And as an attorney, the previous speaker should have at least a working knowledge of trust law to know that this is really the case."

"The Governor also noted, that under our present laws, OHA can provide assistance to persons with an interest or presumed interest in a 999 year homestead lease to determine their legal interests under the provisions of Section 171-99(e). And then in addition, the Governor noted a very serious concern that the bill would require the Board of Land and Natural Resources to take actions involving trust law outside this sphere of the Board's expertise."

"So, Mr. Speaker, I believe that this motion to recommit is very wise and prudent, and there are remedies through OHA's assistance for these 999-year lessees. Thank you."

The Chair then stated:

"Before calling for the question, I would like to have a clarification from the Representative from Kahaluu-Hauula in regards to the name that was mentioned on the Floor of the House. So if it is the Representative from the Windward side that talked to her about this, I would support you. But if it is not, I'm going to ask the Clerk to retract Representative Cynthia Thielen's name, which you stated on the Floor. Representative Wooley."

Representative Wooley: "Thank you, Mr. Speaker. I met with Cynthia Thielen and the words that she said to me were that DLNR is in charge of."

Representative Thielen: Mr. Speaker."

Speaker Say: "Representative Thielen, for what point do you rise?"

Representative Thielen: "A point of personal privilege."

Speaker Say: "State your point of personal privilege."

Representative Thielen: "I have not met with that Representative."

Speaker Say: "The Chair will make a decision at some point in time after we take the vote. So if it is ..."

Representative Thielen: "Thank you. I have absolutely not met with that Representative. And Mr. Speaker, were I to be asked to do so, I would always have a second person present with me that would be able to say what truly went on in any meeting. I have not met with her."

Speaker Say: "Representative Thielen, I appreciate your point of personal privilege and that's why the Chair has asked the question from the Representative from Kahaluu and Hauula. If you want to continue on with your statement, Representative Wooley, the Chair will allow you, but I will make that final decision with the Chief Clerk in regards to retracting the Representative's name from the Journal."

Representative Wooley: "Thank you. I appreciate that. I did meet with Cynthia ... Or, I'm sorry. Not Cynthia. Laura. I'm sorry. I may have misspoken. I did meet with Laura Thielen from DLNR, and she stated that she did not want the DLNR ..."

Representative Thielen: "Mr. Speaker, I object on behalf of my daughter. She's not here to be able to say whether this Representative is lying."

Speaker Say: "Representative Thielen, I'm just clarifying it at this point in time. The statement that the Representative from Hauula and Kahaluu is that it is not the Representative from the Windward side of Kaneohe. Your daughter was a public official with the Department of Land and Natural Resources as a Chairperson. All of you had the opportunity of talking to the respective Chairs and Directors of the departments and I'll allow Representative Wooley to continue on. This is your second and final time."

Representative Wooley: "Thank you, Mr. Speaker. I met with Laura Thielen several times, and both in Kahana Valley and for this particular bill, she made clear that she did not want the DLNR to be in charge of any leases that involve people. She believed that DLNR's goal was to manage land for the public, and she did not like to have to deal with people."

Speaker Say: "That is fine. I have clarified it for all of you at this point in time. It is not Representative Cynthia Thielen that had communicated with Representative Wooley."

Representative Ward rose, stating:

"Mr. Speaker, I have either a point of information, or point of ... As a Member of the Body of the 51 in this House, I was not sure what the speaker intended to mean by, 'Those who are responsible for this will get their due.' What was she intending to say? That is an offensive statement to make on this Floor."

The Chair responded, stating:

"Representative Ward, I believe you are out of order at this point in time. Representative Ward, please."

Representative Ward: "So too was that comment."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. After reviewing this measure, and I understand that the introducer of the measure is extremely passionate about her constituents in the community. However, after reviewing the measure I see no mention of Native Hawaiian or Hawaiian, and so with that, I'm supporting the motion to recommit, Mr. Speaker."

Representative Saiki rose in opposition to the motion to recommit 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 submit these written comments in opposition to the motion to recommit H.B. 922.

"This motion is yet another example of the lack of open and substantive discussion concerning the passage of legislation in this Body. More significantly, the decision to recommit this bill – at a whim – manipulates the expectations of those in the community who are impacted by it. It is the latter concern that is most disconcerting.

"There is no substantive or procedural basis to recommit this bill. This Body has unanimously approved this legislation seven times notwithstanding that it was saddled with triple referrals. It was transmitted to the former Administration, but was vetoed because the former Administration did not support the continuance of these leases.

"The concept of extending leases intended for homesteading is not unique. A few years ago, the Legislature expanded the scope of successor beneficiaries to preserve leases for families. This legislation is intended to accomplish a similar purpose – to preserve homesteads through the creation of family trusts that will collectively share in the rights, benefits and obligations of these parcels.

"Through this recommitment, this Body is sending the same message made by the former Administration: that it does not support the continuation of these homesteads.

"This is a message that I cannot support, particularly where there has been no other substantive argument made by the proponents of this motion. Accordingly, I oppose this motion. Thank you."

Representative Belatti rose in opposition to the motion to recommit and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative M. Oshiro rose in support of the motion to recommit and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of the recommitment of H.B. 922 S.D. 3. This measure would expand the potential assignees of a 999-year homestead lease to include land trusts created for the purpose of managing and holding a homestead for the benefit of the lessee and lessee's family members.

"Pursuant to the Hawaiian Homes Commission Act, Title 1A: Purpose, §101(b)(2) Hawaii Revised Statutes, placing native Hawaiians on the lands set aside under this Act to assure long-term tenancy to beneficiaries and their successors is one of the hallmarks of this statute.

"Under the present draft of H.B. 922, S.D. 3, upon the death of the lessee, the measure before us could potentially allow persons of no native Hawaiian blood quantum to be designated as a trustee of a land trust, if named the successor by the current lessee. And hence, be entitled to the full rights and privileges of tenancy on lands set aside exclusively for native Hawaiians of a certain blood quantum. As such, the passage of H.B. 922, S.D. 3, would conflict with stipulations of strict conditions of the successor to a lessee, as stated in the Hawaiian Homes Commission Act. Furthermore, should a homestead lessee lose the lease due to right of survivorship or other successorship provision of the land trust, this would leave homestead lands that are previously available for "wait-listed" Hawaiian home lands applicants from promptly being placed back onto the land. Heretofore, the Hawaiian Homes Commission Act has stood for the proposition of preventing alienation of fee title to the lands set aside so that these lands will always be held in trust for continued use by native Hawaiians of a certain blood quantum in perpetuity.

"The structure of the 999-year leases may continue to pose challenges for lessees because of the uncertainties regarding amendments made to §171-99, Hawaii Revised Statutes, of which complex existing legal rights make identifying the rightful leaseholder difficult to determine and hampers orderly transfer of leases. Although disputes over leaseholder rights may exist, the right of the successor, as determined by the Hawaiian Homes Commission Act, should be upheld. Past legislative efforts, such as the amendments of Hawaii Revised Statutes §171-99, during the 2000 & 2004 Legislative Sessions, make it easier for the present leases to be more freely available to members of the lessee's family through the allowance of a leaseholder's parent's siblings, children of parent's siblings, and grandchildren of a parent's siblings to become the occupier or lessee. It should also be noted that the Department of Hawaiian Home Lands and the Attorney General have not commented on this measure throughout any of the House and Senate Committees it passed through. This conspicuous absence of commentary, either for or against, in public hearings, suggest that due diligence would be served by postponement of this important measure.

"In closing, please be assured that I do understand the discerning intent of this measure to create an additional legal option for native Hawaiian families to keep their homestead land within their extended 'ohana, but cannot support this legislation as currently drafted because of the foreseeable allowance and the possibility of an unqualified Hawaiian homestead tenant becoming the lessee of a homestead parcel in direct violation of the Hawaiian Homes Commission Act of 1920. I could not countenance this occurrence knowing that so many qualified native Hawaiians of requisite blood quantum, will not be given the opportunity afforded under the Act. Indeed, unless and until such time that the U.S. Congress amends the Act, to allow such disposition, I will tend to disfavor this type of measure. Criteria for eligibility of homestead lands should remain to be a permanent land base for the benefit and use of native Hawaiians."

Representative Ching rose in support of the motion to recommit and asked that the remarks of Representative Thielen 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 H.B. No. 922, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitment to the Committee on Judiciary, with Representatives Belatti, Saiki and Wooley voting no, and with Representatives Carroll, Nishimoto and Pine being excused.

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, Nishimoto and Pine were excused.)

H.B. No. 575, HD 1, (SD 2)
H.B. No. 1038, HD 2, (SD 2)
H.B. No. 1076, HD 1, (SD 2)

H.B. No. 575, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 575, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Cullen rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cullen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 575 HD 1 SD 1, which extends the five per cent Legislative, Executive, and Judicial salary decrease until December 31st, 2013. We are fortunate and blessed to serve this great State, and given that our economy has not recovered fully and that we are asking government employees to take a five per cent reduction in pay, we believe it is the right thing to do. The State faces a \$1.3 billion deficit over the next two years, and it looks like the future projection for State revenues may be decreasing. We must all make a sacrifice in order to get through this difficult period. Thank you Members, for your support on this

measure, because it is a symbol of us doing what is right in this tough economic time. Thank you, Mr. Speaker."

Representative Belatti rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this motion with a few comments and a request to insert additional written comments into the Journal. Thank you, Mr. Speaker.

"As an initial premise, I am not opposed to salary reductions for Executive, Judicial, and Legislative officers, but this path we are taking is unconstitutional. According to the Oath of Office inscribed in our State Constitution that we took on the Opening Day of this Legislature, I swore to support and defend the Constitution of the United States and the Constitution of the State of Hawaii, and to faithfully discharge my duties as a legislator to the best of my ability. Mr. Speaker, I want to be known as a legislator and a leader who carefully and faithfully weighed all of the evidence and testimony presented to us, and made decisions that were aligned with those principles we swore to support and defend.

"To that end, I would like to thank the Representative from District 34, Pearl City, Waimalu, and Newtown for providing all of us in this Chamber, and in the Senate, with copies of letters from the Administrative Director of the Courts to the House Finance Chair, and from the Director of the Department of Human Resources Development to the House Finance Chair. These letters contain important information about House Bill 575, Senate Draft 2 that I only became fully aware of yesterday.

"I would also like to thank you, Mr. Speaker, for providing us late yesterday with two letters, including an April 26, 2011 letter that was circulated among some of us, namely those in the Conference Committee of House Bill 575 from the Administrative Director of the Courts that lays out the serious constitutional problems of ambiguity, unlawful delegation of legislative powers, and violation of Article XVI, Section 3.5 that prohibits salaries from being decreased except by a general law applying to all salaried officers of the State.

"Mr. Speaker, I will let these letters, which are more than commonplace observations, speak for the bulk of the constitutional and policy problems raised by House Bill 575, Senate Draft 2. But I want to expand upon and highlight this last concern that the bill before us does not represent a general law applying to all salaried officers of the State.

"As drafted, this bill will on January 1, 2014, endow upon all legislators a nearly \$10,000 salary increase. What is grossly unfair and unconstitutional in this bill is that it will leave our Judicial brethren and sisters, and our Executive counterparts on the July 1st, 2009 pay step that is not a simple 5% reduction in salary, but represents a huge pay cut of upwards of \$30,000 for those public servants who have in some cases, and in particular with our judges, have dedicated decades to the State. For this very serious constitutional and policy concern, I stand in opposition to this flawed unconstitutional measure. Thank you, Mr. Speaker."

Representative Belatti's written remarks are as follows:

"The following are letters received by Members of the Legislature outlining the serious constitutional flaws with House Bill 575, Senate Draft 2."

HOUSE MAJORITY STAFF OFFICE

TRANSMITTAL MEMORANDUM

State Capitol, Room 410 • Honolulu, Hawaii 96813 • Phone 808.586.6300 • Fax 808.586.6301

DATE: May 2, 2011 REQUEST NO. 2011-4080
TO: Representative K. Mark Takai
FROM: House Majority Staff Office
RE: Concerns Regarding H.B. No. 575, H.D. 1, S.D. 2 (Relating to Salaries)

This transmittal responds to your request regarding concerns with H.B. No. 575, H.D. 1, S.D. 2. Please note the following:

- Concerns raised in the letter dated April 13, 2011, from the Office of the Administrative Director of the Courts (*refer to the attachment*);
- Concerns raised in the letter dated April 14, 2011, from the Department of Human Resources Development (*refer to the attachment*); and
- Executive and Judicial Branches.** Further, House Chief Counsel notes that there appears to be inconsistencies in the S.D. 2 bill language (*page 2, line 15 to page 3, line 2*), with §26-56, HRS. §26-56, HRS, states, in part: "The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year unless the legislature disapproves the recommended salaries" The bill language states that "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014, by the commission on salaries" However, the January 1, 2014, effective date, as determined by the 2006 Commission on Salaries, applies to the salaries of the Legislative Branch, not the salaries of the Executive and Judicial Branches. Pursuant to §26-56, HRS, the new salaries for the Executive and Judicial Branches under a new salary commission would take effect on July 1, 2013, not on January 1, 2014.

The 2006 Commission on Salaries' established when the salaries of the respective branches take effect, as follows:

- Executive Branch and Judicial Branch:** On July 1, 2007; July 1, 2008; July 1, 2009; July 1, 2010; July 1, 2011; and July 1, 2012.
- Legislative Branch:** On January 1, 2009; January 1, 2010; January 1, 2011; January 1, 2012; January 1, 2013; and January 1, 2014.

Section 3.5 of Article XVI of the Hawaii Constitution states, in part, that "any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted."

If you have any questions or need additional information, please contact our office at 586-6300.

The House Majority Staff Office is a partisan agency dedicated to providing unbiased drafting, legal analysis, research, and editing services to further the legislative policies developed by the members of the House Majority Caucus.



Office of the Administrative Director of the Courts — THE JUDICIARY • STATE OF HAWAII
417 SOUTH KING STREET • ALI'OLANA HALL • HONOLULU, HAWAII 96813-2943 • TELEPHONE (808) 539-4900 • FAX (808) 539-4855

Rodney A. Malle
ADMINISTRATIVE DIRECTOR

Iris T. Murayama
DEPUTY ADMINISTRATIVE DIRECTOR

April 13, 2011

The Honorable Clayton Hee
Chair
Senate Committee on Judiciary and Labor
State Capitol, Room 407
415 South Beretania Street
Honolulu, HI 96813

Re: H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries

Dear Senator Hee:

I would like to share concerns about H.B. No. 575, H.D. 1, S.D. 2, with regard to challenges that may be raised about the bill's ambiguous language and possible constitutional infirmities. We have informally raised these issues with the Department of the Attorney General. Although they have not taken a formal position on this matter, they have informally reviewed the bill and concur with the concerns raised in this letter.

H.B. No. 575, H.D. 1, S.D. 2 extends the present 5% salary reduction for justices, judges, the governor, and other officers of the executive branch until December 31, 2013. Section 2(b) states that on January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009 without the salary decrease. Section 2(b) further states, "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014 by the commission on salaries, and the recommendations are not disapproved by the legislature, then the salary recommendations shall become effective on the date specified by the commission on salaries." (Emphasis added.)

Ambiguity

The next commission on salaries must submit salary recommendations during the 2013 legislative session. Hawaii's Const. art. XVI, § 3.5. Based on the practice of the previous commission, the 2013 commission on salaries will recommend new salaries effective as of July 1, 2013. The present language in Section 2(b) of H.B. No. 575, H.D. 1, S.D. 2 is ambiguous as it appears to authorize two different salaries during the period from July 1, 2013 to December 31, 2013. Lines 10–12 on page 2 of the bill extends the 5% salary reduction during this period. Assuming that the recommendations of the commission on salaries take effect on July 1, 2013,

Letter to Senator Clayton Hee
April 13, 2011
Page 2

however, lines 15 – 21 on page 2 and lines 1 -2 on page 3 of the bill state that the positions shall receive the salaries specified by the commission's 2013 report.

Potential Constitutional Challenges

An Attorney General letter cited by the House Committee on Finance (House Standing Committee Report No. 950, 2009 Hawaii House Journal, pg. 1283, 1284, re: H.B. No. 1536, H.D.2), states that "[T]he express language of article VI, section 3.5, prohibits a salary decrease unless by general law applying to all salaried officers of the State . . ."

In its present form, H.B. No. 575, H.D.1, S.D.2 raises two constitutional issues. First, Section 2(b) states that if the 2013 legislature disapproves the commission's recommendations, the salary for justices and judges in 2014 will be the amounts that were effective as of July 1, 2009. Thus, justices and judges would continue to be subject to a salary reduction in 2014. Legislators, however, will not be subject to a similar salary reduction in 2014 because there is no language to that effect in Section 2(c) of the bill. Accordingly, if H.B. No. 575, H.D.1, S.D.2 is enacted, it may be challenged on the ground that it does not comport with Hawai'i Const. art. XVI, § 3.5, that prohibits salaries from being decreased during a term of office except by a general law applying to *all* salaried officers of the State.

Second, H.B. No. 575, H.D.1, S.D.2 specifies that the salary commission's recommendations on salaries for legislators shall take effect on 2014. State legislation which adopts by reference future legislation, which is enacted by another sovereign entity constitutes an unlawful delegation of legislative power. *State v. Tengan*, 67 Haw. 451, 460, 691 P.2d at 373 (1984). The current state legislature may not bind a future state legislature in such a manner. Article XVI, section 3.5 of the Hawaii State Constitution specifies that the salary commission recommends salaries to the legislature and those recommendations become effective unless the legislature disapproves the recommendations as a whole. The bill's attempt to bind a future legislature to accept recommendations from a future commission on salaries may also be challenged as an improper delegation of its powers.

Please consider the potential challenges created by this proposed legislation. The possibility that this bill, if enacted, could generate litigation raises significant budgetary implications. Moreover, the possibility that salaries may be subject to litigation creates an inherently uncertain situation for all those public officers whose salaries may be impacted.

Sincerely,

Rodney A. Maile
Rodney A. Maile
Administrative Director of the Courts

c: Russell A. Suzuki, First Deputy Attorney General



Office of the Administrative Director of the Courts — THE JUDICIARY • STATE OF HAWAII
417 SOUTH KING STREET • ALI'OLANI HALE • HONOLULU, HAWAII 96813-2943 • TELEPHONE (808) 539-4900 • FAX (808) 539-4855

Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Iris T. Murayama
DEPUTY ADMINISTRATIVE DIRECTOR

April 13, 2011

The Honorable Marcus R. Oshiro
Chair
House Committee on Finance
State Capitol, Room 306
415 South Beretania Street
Honolulu, HI 96813

Re: H.B. No. 575, H.D.1, S.D.2, Relating to Salaries

Dear Representative Oshiro:

I would like to share concerns about H.B. No. 575, H.D.1, S.D.2, with regard to challenges that may be raised about the bill's ambiguous language and possible constitutional infirmities. We have informally raised these issues with the Department of the Attorney General. Although they have not taken a formal position on this matter, they have informally reviewed the bill and concur with the concerns raised in this letter.

H.B. No. 575, H.D.1, S.D.2 extends the present 5% salary reduction for justices, judges, the governor, and other officers of the executive branch until December 31, 2013. Section 2(b) states that on January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009 without the salary decrease. Section 2(b) further states, "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014 by the commission on salaries, and the recommendations are not disapproved by the legislature, then the salary recommendations shall become effective on the date specified by the commission on salaries." (Emphasis added.)

Ambiguity

The next commission on salaries must submit salary recommendations during the 2013 legislative session. Hawai'i Const. art. XVI, § 3.5. Based on the practice of the previous commission, the 2013 commission on salaries will recommend new salaries effective as of July 1, 2013. The present language in Section 2(b) of H.B. No. 575, H.D.1, S.D.2 is ambiguous as it appears to authorize two different salaries during the period from July 1, 2013 to December 31, 2013. Lines 10 – 12 on page 2 of the bill extends the 5% salary reduction during this period. Assuming that the recommendations of the commission on salaries take effect on July 1, 2013,

Letter to Representative M. Oshiro
April 13, 2011
Page 2

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Please consider the potential challenges created by this proposed legislation. The possibility that this bill, if enacted, could generate litigation raises significant budgetary implications. Moreover, the possibility that salaries may be subject to litigation creates an inherently uncertain situation for all those public officers whose salaries may be impacted.

Sincerely,

Rodney A. Maile
Rodney A. Maile
Administrative Director of the Courts

c: Russell A. Suzuki, First Deputy Attorney General

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
285 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2657

April 14, 2011

SUNSHINE P.W. TOPPING
DIRECTOR
BARBARA A. KROG
DEPUTY DIRECTOR

2011 APR 14 P 2:44

Honorable Marcus R. Oshiro, Chair
House Committee on Finance
Hawaii State Capitol, Room 306
Honolulu, HI 96813

Dear Representative Oshiro:

Re: House Bill No. 575, H.D. 1, S.D. 2, Relating to Salaries

Senate Bill No. 575 amends Act 85, Session Laws of Hawaii 2009, and extends the 5% reduction in salaries from June 30, 2011 to December 31, 2013 for certain members of the executive, legislative, and judicial branches.

The Commission on Salaries makes recommendations to the Legislature on the salaries of these members. The Department of Human Resources Development provides staff support to the Commission and we have concerns that the language in this bill may conflict with Article XVI, Section 3.5 of the State of Hawaii Constitution.

Section 3.5 states that the Commission on Salaries shall submit to the legislature its recommendations at the 2007 regular legislative session and every six years thereafter. The salary recommendations for the next six year cycle beginning July 1, 2013 for the executive and judicial branches, and January 1, 2015 for the legislative branch, are the responsibility of the next Commission on Salaries that will be appointed in 2012.

This bill extends the 5% salary reduction to December 31, 2013 but does not address the impact of the reductions on the Commission on Salaries' recommendations for the executive and judicial branches for the period July 1, 2013 to December 31, 2013. This will result in an unresolved conflict between the bill and the next Commission on Salaries' recommendations.

To avoid the conflict as well as the need for further legislative action at the time of the next salary recommendations, we would recommend that a June 30, 2013 end date be used for the current bill.

We appreciate your consideration of the above as you continue your deliberations.

Sincerely,

Sunshine P.W. Topping
SUNSHINE P.W. TOPPING
Director



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

Iris T. Murayama
DEPUTY ADMINISTRATIVE DIRECTOR

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April 26, 2011

The Honorable Karl Rhoads, Co-Chair
The Honorable Marcus R. Oshiro, Co-Chair
The Honorable Clayton Hee, Chair
The Honorable David Y. Ige, Co-Chair
Conference Committee of House Bill No. 575, H.D. 1, S.D. 2, Relating to Salaries
State Capitol
Honolulu, HI 96813

Re: H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries

Dear Conference Committee Members:

Through our last letter on the subject of the proposed legislation relating to salaries for public officers, dated April 13, 2011, we explained our concerns about H.B. 575, H.D.1, S.D.2, concerning challenges that could be raised about the bill's ambiguous language and possible constitutional infirmities. As we explained, we first raised those issues with the Department of the Attorney General and they too, informally, had concerns about these issues.

This letter details our concerns about the ambiguity inherent in H.D. 1 and S.D.2; the constitutional issues raised by S.D. 2; and also the general policy impacts of both the House and Senate drafts of these bills, given the disproportionate effects these bills, if enacted, will have upon judges.

The Judiciary recognizes that the severe economic crisis requires *all* public officers to make sacrifices to help the State meet its economic challenges. We also deeply appreciate the support that the Legislature has given the Judiciary to enable us to continue to provide core and fundamental services to the people of Hawai'i. Respectfully, however, we wish to point out the disproportionate impact this legislation would have upon judges, based upon the detailed analyses provided by the National Center for State Courts and the Commission on Salaries, discussed below.

Ambiguity -- H. D. 1 and S. D. 2

House Draft 1 contains ambiguous language with regard to what the July 1, 2012 salaries would be, as it extends the 5 % reduction in salaries to June 2013 for the executive and judicial

Conference Committee on House Bill No. 575, H.D. 1, S.D. 2
April 26, 2011
Page 2

branches but does not amend the language restoring the Commission on Salaries' recommendations effective July 1, 2012.

Senate Draft 2 contains a different ambiguity. It also proposes to extend the present 5% salary reduction for justices, judges, the governor, and other officers of the executive branch until December 31, 2013. Section 2(b) states that on January 1, 2014, the salaries of these positions shall be restored to the level they would have been on July 1, 2009 without the salary decrease. Section 2(b) further states, "if any salary recommendations for these positions are made and are to take effect on or after January 1, 2014 by the commission on salaries, and the recommendations are not disapproved by the legislature, *then the salary recommendations shall become effective on the date specified by the commission on salaries.*" (Emphasis added.)

The next commission on salaries must submit salary recommendations during the 2013 legislative session. Hawai'i Const. art. XVI, § 3.5. Based on the practice of the previous commission, the 2013 commission on salaries will recommend new salaries effective as of July 1, 2013. The language in Section 2(b) of H.B. 575, H.D.1, S.D.2 is ambiguous as it appears to authorize two different salaries during the period from July 1, 2013 to December 31, 2013. Lines 10 – 12 on page 2 of the bill extends the 5% salary reduction during this period. Assuming that the recommendations of the commission on salaries take effect on July 1, 2013, however, lines 15 – 21 on page 2 and lines 1 – 2 on page 3 of the bill state that the positions shall receive the salaries specified by the commission's 2013 report.

Potential Constitutional Challenges to S.D.2

An Attorney General letter cited by the House Committee on Finance (House Standing Committee Report No. 950, 2009 Hawai'i House Journal, pg. 1283, 1284; re: H.B. No. 1536, H.D.2), states that "[T]he express language of article VI, section 3.5, prohibits a salary decrease unless by general law applying to all salaried officers of the State . . ."

In its present form, H.B. 575, H.D.1, S.D.2 raises two constitutional issues. First, Section 2(b) states that if the 2013 legislature disapproves the commission's recommendations, the salary for justices and judges in 2014 will be the amounts that were effective as of July 1, 2009. Thus, judges would continue to be subject to a salary reduction in 2014. Legislators, however, will not be subject to a similar salary reduction in 2014 because there is no language to that effect in Section 2(c) of the bill. Accordingly, if H.B. 575, H.D.1, S.D.2 is enacted, it may be challenged on the ground that it does not comport with Hawai'i Const. art. XVI, § 3.5, prohibiting salaries from being decreased during a term of office except by a general law applying to *all* salaried officers of the State.

Second, H.B. 575, H.D.1, S.D.2 specifies that the salary commission's recommendations on salaries for legislators shall take effect in 2014. State legislation which adopts by reference future legislation, which is enacted by another sovereign entity, constitutes an unlawful delegation of legislative power. *State v. Tengan*, 67 Haw. 451, 460, 691 P.2d at 573 (1984). The

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April 26, 2011
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current state legislature may not bind a future state legislature in such a manner. Article XVI, section 3.5 of the Hawai'i State Constitution specifies that the salary commission *recommends* salaries to the legislature and those recommendations become effective unless the legislature disapproves the recommendations as a whole. The bill's attempt to bind a future legislature to accept recommendations from a future commission on salaries may also be challenged as an improper delegation of its powers.

Policy Impacts of Both House and Senate Drafts: Disproportionate Impact Upon Judges

While House Bill 575, H.D.1, S.D.1 is preferable in that it does not raise the myriad legal and constitutional issues raised by the other drafts, nevertheless, there are significant policy concerns associated with reducing salaries for judges, since they will be disproportionately impacted by this legislation.

On March 14, 2007, the Hawai'i Commission on Salaries issued its Report and Recommendations to the 2007 Legislature, noting that their recommendations were based upon principles of equity and fairness and consideration of:

- the impact of having no increases in judicial salaries from 1990 to 1999;
- the states' rankings of both non-adjusted salaries and COLA adjusted salaries (adjusted for cost of living, as provided by the National Center for State Court published Survey of Judicial Salaries.) The Commission found that Hawai'i's judicial salaries were lowest and last among all states when adjusted for cost of living, which the Commission considered as an "unfair and inaccurate reflection of our State's regard for the Judiciary and its effect on judicial decisions and justice throughout the State."
- Judicial retirement benefits and the judicial mandatory retirement.

The Commission concluded:

While the Commission had hoped to raise Hawai'i's rank on the National Center for State Court Salary Comparison Among States from lowest and last to a slightly higher position of 42nd or 43rd, it chose, instead, to recommend a more moderate and affordable salary adjustment, in light of salaries of employees of other State departments. Thus, despite the recommended increases, Hawai'i's adjusted salary comparison among all states will remain lowest and last . . .

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Thus, even if the Commission on Salaries' recommendations as provided in their March 2007 Report had been implemented through June 30, 2013, the salaries of Hawai'i's judges would still have been ranked the lowest of all states, adjusted for cost of living.

According to the most recent Survey of Judicial Salaries published by the National Center for State Courts, as of July 1, 2010, Hawai'i's trial judges continue to receive the lowest salaries in the nation when adjusted for cost of living, and Hawai'i ranked 51st out of all states and the District of Columbia.

The cumulative impact of Act 185, 2009 Session Laws of Hawai'i (SLH) and H.B. No. 575, H.D.1, S.D.2, will be to defer the judicial salaries recommended by the Commission on Salaries in 2007 for a total of four years (FY 10 through FY 13), thus resulting in a total net loss of salary for trial judges equivalent to more than one year's salary.¹ This net loss of compensation reflects the disparate impact this bill would have on judges, compared to the other positions for which the Commission on Salaries established compensation.

While Hawai'i's judges are committed to serving the people of this State, our ability to retain and recruit judges in the future may be impacted by further reductions in their salaries. With regard to retention, we have seen many highly experienced judges leave the bench. Indeed, as noted in the *Report of the Special Committee on the Effects of the Economy and the Judiciary*, issued by the American Judicature Society, Hawai'i Chapter, on March 7, 2011:

During the course of Committee discussions, one consequence of the budget reductions was noted that while certainly unintended had significant consequences.

In 2009, the year in which budget reductions were announced, 9 judges representing 161 years of judicial experience retired. Reasons varied but one element was a concern with how the budget reductions would impact pensions. As pension is salary based, a reduction in salaries can lessen pension amounts.

Considering All Options

Again, we appreciate the Legislature's diligence in finding budget savings given these dire economic times. We ask, however, that both the concerns raised above and all feasible options be considered. One possible option could be reducing pay for a shorter period (e.g., one year) so that the Legislature may consider next year's economy before determining that the specified pay reduction is further required. We stand ready to assist the Conferees in identifying and evaluating all appropriate options.

¹ For district, family, and per diem judges, the total net loss of salaries for FY 10 through FY 13, as a result of Act 185 and the proposed present legislation, is \$133,257.00; for circuit court judges, the amount would be \$141,446.00.

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As a final matter, we would point out that if the Legislature is inclined not to reduce the salaries through these bills, or to change the duration of the salary reductions, adequate funding in the Judiciary's budget would need to be provided.

Sincerely,



Rodney A. Maile
Administrative Director of the Courts

c: Representative Ty Cullen
Representative Mark J. Hashem
Representative Linda E. Ichiyama
Representative Jo Jordan
Representative Derek S.K. Kawakami
Representative Daynette Morikawa
Representative Barbara C. Marumoto
Representative Gene Ward
Senator Les Ihara, Jr.
Senator Sam Slom



Rodney A. Maile
ADMINISTRATIVE DIRECTOR
Iris T. Murayama
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SPEAKER'S OFFICE

May 4, 2011

The Honorable Calvin K.Y. Say
Speaker
House of Representatives
State Capitol, Room 431
Honolulu, Hawai'i 96813

Re: H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries

Dear Speaker Say:

In light of the House of Representatives' anticipated reconsideration of H.B. No. 575, H.D. 1, S.D. 2, Relating to Salaries, the Judiciary would like to take this opportunity to reiterate our very significant constitutional concerns about H.B. No. 575, H.D. 1, S.D. 2, which we previously shared with the Conference Committee. Attached for your review are copies of our:

- 1) April 13, 2011 letter to Senator Clayton Hee which expressed the results of our initial research and consultation with the Department of the Attorney General; and
- 2) April 26, 2011 letter to the members of the Conference Committee, which discusses our policy and constitutional concerns regarding H.B. No. 575, H.D. 1, S.D. 2.

For the reasons discussed in our April 13, 2011 and April 26, 2011 letters regarding the constitutional issues pertaining to H.B. No. 575, H.D. 1, S.D. 2, we would respectfully request that the House not adopt H.B. No. 575, H.D. 1, S.D. 2 in its present form.

Sincerely,



Rodney A. Maile
Administrative Director of the Courts

Attachments

c: Representative Marcus R. Oshiro
Representative Gilbert S.C. Keith-Agaran
Representative Karl Rhoads

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I do recognize that there are some legal questions that have arisen with this bill and there are some serious legal questions. However I do think that we at this time, have little other choice, and little other opportunity to address this issue. That is why we must vote on House Bill 575, move to agree to the amendments made by the Senate, and pass this on Final Reading. Because at the end of the day it is a symbolic action that I think is worthwhile for us to be going down this road.

"I think there is the potential for a legal challenge, but that in and of itself should not be the reason why we shy away from this bill. I think we will have further and additional opportunities if there are questions, if there are uncertainties, if there is vagueness, to address those questions. However without this bill, I think we lack the leverage that is necessary for us to have that opportunity and make those changes. Without this bill, if this bill were to fail as of today, we will not ever again have this kind of leverage and opportunity to try and change it in the way that we need to. I do recognize that there are technical problems and there a few words and a couple of numbers that we do need to change.

"Now as to the opportunity or the likelihood of litigation, the reason I don't have too much fear for that at this point is there is some justiciability questions that are primarily at heart right now. First and foremost is the rightness issue. Even though this bill comes into effect on June 29, 2011 the actual effect of the reduction doesn't occur until later. And so at that point, that is when somebody has that legal opportunity and standing with which to challenge.

"In addition to that I would also raise that there is a potential for this to be a political question. I think courts have often raised the opportunity for the Legislative Branch to properly address and take remedy and action when they have that chance. And I do think we will have that chance and opportunity in the next coming months, if not in the next Session to fix that problem before it ever becomes and realizes itself into a true constitutional problem.

"And for that reason, I think and I recommend to my colleagues, vote in favor of this bill because if we do not, I am telling you my belief is that we won't have this opportunity, we won't have this leverage, we won't have this fulcrum for anything to change in the future. Thank you."

Representative Takai rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Thank you. First, I'd like the words of the Representative from Makiki entered into the Journal as if they were my own. Thank you, Mr. Speaker.

"You know, I stand here embarrassed because of this bill. We should not be debating a bill that some, or most, or if all of us believe is constitutionally flawed. I mean, something went wrong in the process and today we sit here on our last day, trying to resurrect a bill, Senate Draft 2 of House Bill 575 because that's all we have. I don't like being put in these types of positions. This bill is not the right way to go about business in the Legislature. It's embarrassing.

"Now I agree with the Majority Leader, I believe that we need to pass on this bill, and send it up to the Fifth Floor. But I'm going to urge the Governor for a veto. Because if the Governor vetoes this bill, then we have another crack at it. My understanding is if the Governor vetoes this bill and specifically outlines the problems raised by not only the DHRD Director, but also the Administrative Director of the Courts. If the Governor outlines those concerns and sends it down in the veto message, we can fix it. And that is my hope, Mr. Speaker.

"I do support the continuation of our 5% pay cut. I believe it's prudent. I believe it's fair. But my biggest concern is that should this bill go up, the Governor signs it, and it gets challenged in court, and gets thrown out of court, we all jump tremendously.

"The other thing, Mr. Speaker, and what people probably don't realize is that the intent of the Salary Commission, a few years ago, was to take a look at what salaries should be paid to all classes in the Executive, Judicial, and the Legislative Branches. And the Salary Commission, justifiably so, said that these judges in the Judicial Branch should be receiving X amount of money. This bill is a 30% pay cut for our judges, 25% to 30% pay cut to our judges. Now what does it say as a society? What does that say as a State? What does that say as a Legislature? That we don't value the Judiciary? That we don't value the judges currently seated on all our courts? I have a problem with that, Mr. Speaker.

"So my hope is that with this vote with reservations, that we encourage the Governor to veto with very specific instructions on how to fix this measure. And hope that his instructions include restoration of some of these cuts that both the Judiciary and the Executive Branches are receiving. Thank you, Mr. Speaker."

Representative McKelvey rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. In support with reservations, and I would like the words of the Representative from I believe Makiki, and our Majority Leader entered in the record as if they were my own.

"Just a few brief comments. It's kind of funny. Why am I adopting the words of two people who had different positions? Because I think it represents the struggle. And the good Representative from Aiea, I apologize if my geography is not accurate, brought up those very good points. What started out as a House Bill, and the House position was clean, Mr. Speaker. And I thank you, the Members and the others who worked on presenting a very clean, sound bill that unfortunately was rendered pretty much ineffective because of the antics that went on. And I'm just going to quote my good friend, the senior Senator from Hawaii who says, 'I'm going to hold my nose and vote for this measure today,' because I believe the previous speaker was correct. But I'm hoping that the Governor will instruct us through a corrective action and veto, to take those measures so we can restore the position of this Body which was to basically continue the cuts, but also not to jeopardize the judges.

"And from a Neighbor Island perspective, that's where it comes home to roost. Because if what has been said is true, you're going to have a lot of vacancies occurring on the Neighbor Islands, and the wheels of justice will stop. When you have important programs like mediation and other programs that many people are relying on. When you have a hard time to access justice to begin with on the Neighbor Islands, I think this could have some really bad side effects. So with that, Mr. Speaker, I am in support with reservations, and I will hold my nose."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, I think the discussion on the Floor is symptomatic of this Session. What is obvious to people out in the street seems to be esoteric, technical, controversial, and not too clear. I guess the case in point was when we were told not to use the AG's opinion because we could equivocate back and forth. To equivocate on this issue is to totally negate what's going on with the people of Hawaii in terms of the amount of \$5 a gallon they're paying for gas. \$5 per quart of a gallon of milk. \$200 bucks to get back and forth from the Neighbor Islands.

"The people are hurting out there and we have got to show them by leadership and demonstration that we know what's the best policy. We are policy makers. Let the courts do what they do and we can come back and fix it. We have to not be symptomatic of being out of touch with what the people of Hawaii are saying. And, Mr. Speaker, this is an imperative and we are compelled without any equivocation to pass this pay cut bill. If we don't do it, we have absconded our responsibilities and what the people of Hawaii, who've trusted us by voting for us to get here, to do. We have no excuses but to pass this bill. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 575, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Final Reading by a vote of 43 ayes to 4 noes, with

Representatives Belatti, Hanohano, Morikawa and Souki voting no, and with Representatives Carroll, Ito, Nishimoto and Pine being excused.

H.B. No. 1038, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 1038, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Fontaine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I rise with reservations, and if I may, brief comments. I spoke on this before. I'm really concerned about the aspect of if we're going to have 52 or 53 year-old police officers out there, who will have to deal with perhaps a 20 year-old criminal. If we just looked at the physical aspects of the job, and I know the job because I did it for 25 years.

"I'm 51 and I can say for myself, I would not like to have to be in a police car right now and having to deal with a young offender. I really think that, and I'm saddened that SHOPO and others didn't come out more opposed to this. I seem to be the only one that's speaking about this. But I have some great concerns about that and what we're potentially putting our senior law enforcement officers in jeopardy by putting them into a physical confrontation. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1038, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, Ito, Nishimoto and Pine being excused.

H.B. No. 1076, HD 1, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1076, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, Ito, Nishimoto and Pine being excused.

At 12:01 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 575, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1076, HD 1, SD 2

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 305 through 308) were announced by the Clerk and the following action taken:

H.R. No. 305, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE UNITED STATES NAVY SEALS FOR SUCCESSFULLY NEUTRALIZING THE WORLD'S MOST WANTED TERRORIST," was jointly offered by Representatives Ward, Aquino, Choy, Cullen, Evans, Fontaine, Har, Herkes, Ito, Johanson, Kawakami, B. Oshiro, Riviere, Say, Takai, Takumi, Thielen, Tokioka and Yamashita.

Representative B. Oshiro moved that H.R. No. 305 be adopted, seconded by Representative Evans.

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, on 9/11, I was in Washington D.C. and experienced the havoc that was going on with the Pentagon burning and the smoke coming across the Potomac right to my building at the Regan Building, and thinking, 'Oh my God. What has happened to our country?'

"From that day after, the world changed and ceased to be as it is. The United States ceased to be the United States. Getting in the airport. Going

on an airplane ceased to be when travel was fun. But now, Mr. Speaker, with this resolution, and with this most-wanted terrorist being removed, the hope is that civilized society can progress again. That the dialogue between the great two cultures of Islam and Christianity can progress. And that we can have a safer, better society so we can benefit all the people of the world and not cower and be afraid because one person existed. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you, Mr. Speaker. Mr. Speaker, I support this resolution on many levels. But the number one reason would be to acknowledge those who put their lives on the line. Not just for some, but for a nation. It was a dangerous mission. There are those who in real life, really consciously, through their bravery and courage, protect others. And it's important to remember those people. It's not to rejoice in the death *per se* of a human being. It is rather to say that we are a safer nation and that we do what we must to be a safe nation.

"I want to acknowledge at this just about 10 year time, how many Hawaii people lost their lives in 9/11. Sometimes it's easy to think that something goes on somewhere else in a far-off shore, but we are all interrelated. And there was an individual I knew, a friend of the family, who perished on 9/11. A pastry chef up on the top floor. A family friend, and classmate of my brother's. There were a lot of some of Hawaii's best and brightest that wanted to fly like eagles to far away cities, and it is our loss. And so when we remember those who keep us safe, we remember those people that lost their lives. Thank you, Mr. Speaker."

Representative Brower rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And, Mr. Speaker, I say to fully support it, I wish the President made the decision to show the picture of the number one terrorist's death to the country. I'd like to note, Mr. Speaker, the President went out of his way to see that the world's number one terrorist received a religious ceremony at this death. Now that could be interpreted as a violation of the separation of church and state. In some circumstances, a violation I support. It shows us the importance of religion and spiritual beliefs in regards to man's law. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. As the Minority Leader has mentioned, and also the acting Minority Floor Leader and have mentioned already, I do want to acknowledge the lives that have been lost. Not only the six from Hawaii that died on that day, but the 3,000 or so that died as well.

"In addition to that, Mr. Speaker, I think we're edging up to about 5,000 service members who have perished, both in Iraq and Afghanistan of which 286 were with ties to Hawaii. And as you know, we've recognized them with the Hawaii Medal of Honor. So as we look at celebrating, and I do mean celebrating, because I think this is a celebration, we also have to be mindful of the fact that the war is not over and the missions not done. Thank you."

Representative McKelvey rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. I would just like the words of the not only the previous speaker, but of the Representatives from Hawaii Kai and Liliha entered in the records as if they were my own," and the Chair "so ordered." (By reference only.)

Representative M. Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. Today the President is at Ground Zero speaking to the families of the people who died in 9/11. I do feel some mention should be made of the bravery of the President, the courage that he had to give the go-ahead for this mission, because without his decision it wouldn't have happened. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"In favor of the measure, Mr. Speaker. And at the appropriate time, I would like for us to stand for a moment of silence for all the service members who died in the name of the War Against Terrorism."

The Chair responded, stating:

"Thank you. We will take that up at the end of today's session."

The motion was put to vote by the Chair and carried, and H.R. No. 305 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto and Pine being excused.

At 12:08 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:10 o'clock p.m.

H.R. No. 306, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION AND GRATITUDE TO ROWENA "AUNTY RONIE" LOW FOR HER YEARS OF SERVICE TO THE HOUSE OF REPRESENTATIVES AND BEST WISHES FOR A HAPPY RETIREMENT," was offered by Representative Say.

Representative B. Oshiro moved that H.R. No. 306 be adopted, seconded by Representative Evans.

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. Thank you, very much. First of all, I want to congratulate Ronie for her successful career working for the Sergeant-at-Arms. I want you to know that on behalf of the House, and certainly for myself, we're all going to miss you. I enjoyed working with you. I enjoyed travelling with you. God bless you as you move forward in your transition in life. Aloha."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you, very much, Mr. Speaker. I would be remiss if I didn't offer my congratulations, and my appreciation for all the work that Ronie has done over the years. She always has a wonderful smile when you walk into the Sergeant's Office, and her kindness extended to my granddaughter whenever I came by there with the Princess. We wish you the best with your granddaughter as well, as you move to the Big Island. And don't forget us here back in Honolulu. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I am in favor of the resolution honoring Ronie for all her hard work. I don't know how many times she helped me get into my office after I locked myself out. She has always conducted her duties with great professionalism, cheerfulness, and real consideration for the Members of this House. We're going to miss you.

"And you remember my grandson Brian and how he used to crawl around on the floor of the Sergeant-at-Arms Office. He'll be home from college tomorrow, and he's now 6'3". So we wish you well and aloha. Thank you."

Representative Ward rose to speak in support of the measure, stating:

"Mr. Speaker, just to add to those great accolades of appreciation from the Minority in how you treated us like the Majority. You were so friendly, so professional. We owe you a debt of gratitude. And from my former office manager, Fran Voege you are blessed, and you have been a blessing. Godspeed. Aloha."

Representative Kawakami rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Auntie, on behalf of the Kawakami's that came before me who had the opportunity to work with you, we would like to say thank you, from the bottom of our hearts. Good luck, and we love you."

Representative Ching rose to speak in support of the measure, stating:

"Ronie, my staff and I also thank you. And I know especially Bev, from where she is, always spoke so highly of you, and was grateful to you. Bev thanks you. We all thank you."

Representative C. Lee rose to speak in support of the measure, stating:

"Thank you. Just very briefly, none of our words here can express the thanks we truly have for you. We do wish you the best."

Representative Manahan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in strong support of this resolution. And I just wanted to take this opportunity to extend a very heartfelt aloha. Having met Auntie Ronie about 10 years ago when I started here as a staffer working for former Representative Dennis Arakaki, I had to stop at the Sergeant-At-Arms Office, naturally as part of the training period. Auntie Ronie was one of the first people I met and she certainly steered me in the right direction, and has guided me certainly to this. I wouldn't be here, I don't think, standing here before you as a Representative if not for her guidance way back when. So thank you very much for your words of wisdom over the years. I'm very grateful, and I'm very happy to see her today."

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong, very strong support. And on behalf of the Kauai delegation, now, in the past, and those in the future, including Senator Kouchi and all the Senators who have been here, thank you very much, Auntie Ronie for everything."

Representative Awana rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Thank you, Mr. Speaker. And just a few words. When I first came to this Body here, one of the first instructions that were given to me from my predecessors were to go and speak with Auntie Ronie in the Sergeant-at-Arms and she'll take care of you. And indeed she has during this entire time that I've been here at the Legislature. She's been nothing but helpful. Not only to Members, but also to their staff as well. I'd just like to extend my aloha and appreciation for all that she has done. Surely she has taken care of us, and I'm sure that once retired, she'll go ahead and take care of more people in her *ohana*. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. You know, people that work in the back office or the front office become such an integral part of the success of an organization. And I know that Auntie Ronie, that you were there when people were having their ups, and they were having their downs. Their good days, and their bad days. But you were an integral part of who we are. And I know I'm feeling tears of sadness and happiness, and I know you are too. But it is a loss for us that you're going. I know all the people that work with you, sit next to you in those desks and see you every day, more than me, are going to feel it too."

"But I just want you to know that you gave so much and were such an integral part. We're going to be sad, but I think also we can share in the joy of the next phase of your life. We'll be anxious to see you come by and visit, and tell us where you've gone to next, whatever that next chapter in your life will be. It'll be very exciting for you. So please come by, and please know that we're wishing you the best and we won't forget. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Thank you. At 9:30 today, we were once again reminded that session was to begin in 30 minutes. And when I heard those words, it brought a smile to my face because we all knew what was going to happen today. But I just wanted to thank you for everything you've done, and also thank your family for letting us have you for these many years. Aloha and mahalo. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"I'm standing in strong support. On behalf of the Yamane Ohana, which you've helped for many years now, we'd like to express much appreciation and more importantly, our love for you. We'll miss your blessed voice reminding us and keeping us on track, but also we'll miss your warm and loving smile when we visit the Sergeant-at-Arms Office. Thank you."

Representative Mizuno rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Thank you. My personal message to Ronie, I'm going to miss you. Thank you for all the talks we had during the interim. All the phone calls and the jokes. We always used to laugh, and we're going to miss that, both May and I. So God bless you in everything else you do. We're going to miss you. Thank you, Mr. Speaker."

Representative Jordan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Walking in the doors in January, on the first day after the Session began, it was so sweet to see another face from Waianae. It meant a lot to me. In my short time with you, I realized it's not us sitting on the Floor, but it's the staff of the House Sergeant-at-Arms and the Clerk's Office that make us look good as we sit here."

"Ronie, I'm going to miss you. It's been very short for me, but I appreciate everything that you have done for me. I want to thank your family for sharing you with me for the short time. I'm definitely going to miss you. Mahalo. And hopefully I can keep your spirit here with the Waianae that I bring to this place. Mahalo."

Representative Har rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Auntie Ronie, on behalf of the members of the Leeward Delegation, thank you so much for everything you've done for us. I can remember so many great conversations we've had, candid conversations, where we'd just giggle, and laugh, and laugh, because it's someone like you who reminds us why we're here, and why we're supposed to be trying to do the right thing. You've always taken care of all of us. All of our staffs know that if there's ever a problem, just call Auntie Ronie. She'll take care of it. So on behalf of our staffs too, thank you so much for always taking care of each and every one of us from the time we've all been here. Our very best to you and your family in all of your endeavors."

Representative Chang rose to speak in support of the measure, stating:

"In support. On behalf of the Big Island Delegation, the present and in the past, we want to thank you so very much, Ronie. You've been a wonderful, wonderful help to all of us, especially all of our Neighbor Island members who especially need the help. And whenever we call your office, we have no fear of feeling like we're bothering you because you've always been very friendly. I think you conveyed that to your entire staff and we thank you, so much. Aloha."

Representative M. Lee rose to speak in support of the measure, stating:

"In support. I just want to thank you very much, and wish you a happy retirement. But I also would like to thank you for being a sterling example of a strong woman. Thank you."

The motion was put to vote by the Chair and carried, and H.R. No. 306 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto and Pine being excused.

At 12:19 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

H.R. No. 307, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO PERFORM AND CARRY OUT ANY OFFICIAL LEGISLATIVE BUSINESS DURING THE INTERIM BETWEEN THE 2011 AND 2012 REGULAR SESSIONS," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 307 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki being excused.

H.R. No. 308, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Say and Manahan.

Representative B. Oshiro moved that H.R. No. 308 be adopted, seconded by Representative Evans.

Representative Tokioka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, as I look at the resolution, I see two signatures. One of course is yours, and the other, Vice Speaker Manahan. So on behalf of the Junior Class, who the Vice Speaker is a member of, we'd like to thank him for all the hard work and all the effort he put in being on the rostrum this year. So, Vice Speaker Manahan, thank you for the leadership. And Mr. Speaker, thank you for the time given to acknowledge the Vice Speaker."

The motion was put to vote by the Chair and carried, and H.R. No. 308 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki being excused.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker. This is the time when Joe Moore says, 'And finally tonight ...' Finally this afternoon, where there are few times for mahalos. Mr. Speaker, your young disciple did a great job. I think, Mr. Speaker, you did a good job. All of us did a good job. We tried to do our best under the circumstances.

"Mr. Speaker, it's a little bit disappointing. Or should I put it this way? Did we do our best when we're taking \$642 million out of the economy? We have to remember, and I tried to say it earlier. Gas is \$5 a gallon. Milk is \$5 a gallon. It takes a couple hundred dollars just to get to our Neighbor Islands. I think we have to look at increasing the size of the pie, rather than slicing it smaller.

"But let's celebrate. All of us should be proud there was no GE Tax increase. All of us should be proud there was no pension tax. I think some of us are happy there's no frozen bread. Some of us are happy that there's no State Bank. Iron sharpens iron, Mr. Finance Chair. But the point is, Mr. Speaker, and you reminded me that May 26 is when the Council of Revenues hits. Hopefully the budget that we pass is going stand, but if it doesn't, it's going to be another reason why we've got to grow the pie. So, Mr. Speaker, in thanking you, I want to send a send-off for all of those who have dessert in the interim, especially if you eat pie. Just imagine that baby growing bigger.

"And secondly, Mr. Speaker, if I can encourage all of us to get behind Tim Johns, Peter Ho, and all of the people. Charles Morrison at the East-West Center. APEC is coming to town. They need us. Hopefully you'll volunteer with Lt. Governor Schatz. He needs some of you to be there to escort, to show your interest, your respect. Because this is our chance to be on the world stage, Mr. Speaker. The bottom line is we got through, but we

can do better, and hopefully we're going to grow the pie the next time around. So thank you, and thank all of you. Aloha."

Representative M. Oshiro: "Mr. Speaker. Mr. Speaker, I too would like to thank you and the leadership team for bringing us to this very auspicious day. Just a reminder that I believe the Clerk's Office is currently receiving confirmations to attend the CSG-West Annual Meeting. Mr. Speaker, this year we have the privilege of being host to the members of the 13 states the CSG-West organization from July 29 through August 2nd. Our theme for the annual meeting this year is *Halawai*, which means in Hawaiian, the gathering place, or where leaders gather. So I encourage all of the Members to sign up with the Clerk's Office and let's go and be great hosts to our friends from the 13 western states. Thank you."

Representative Cabanilla: "Mr. Speaker, I just would like to take this time on behalf of the Filipino Caucus, to acknowledge our pride and admiration for the Vice Speaker as a proud member of the Filipino Caucus. We take pride in your work, and we thank you so much for doing a great job. Thank you, Mr. Speaker."

Representative Wooley: "Thank you, Mr. Speaker. I just want folks to know that the Book and Music Festival, a celebration of story and song will be held on May 14 through 15, from 10:00 a.m. to 5:00 p.m. at Honolulu Hale. It's very *keiki* friendly. There will be PBS' Steve Songs and your favorite 12 PBS Kid's characters. Hope to see you there."

Representative Kawakami: "Thank you, Mr. Speaker. May I ask permission for my fellow Freshman Class to rise with me. I guess because I'm the low man on the totem pole, I've been asked to say a few words on behalf of the Freshman Class. I would like to first and foremost, say *mahalo nui loa* to all of our colleagues and to all of the staff. You are all bravehearts. Thank you so much for guiding us, for taking the time to talk to us, and for showing us big aloha. Mahalo nui loa.

"To the people of the great State of Hawaii, thank you for putting your trust in us. It's an honor and it's a privilege to be able to work for you. There is no greater honor than to be able to represent the best state in our nation. A state that has a single word to describe our way of life. No other state has that. A single word to describe and define who we are, and that is *aloha*. And we will do everything that we can to protect that. We came in as babies, and we leave as potty-trained toddlers. Mahalo nui loa. Thank you."

Representative McKelvey: "Thank you, Mr. Speaker. Today is actually an anniversary day too. And it was a day for our country because on this day, several years ago, actually many years ago, the United States sent the first man into space on a rocket ship that would lay the way for the first man on the moon and for the emergence of NASA, and for the United States to, in the words of our President, to think beyond our own wars and borders, and to look beyond.

"I use this also as a vehicle for celebration, and to lament the opportunities that were lost both in this and in the film initiatives. Initiatives that would have brought \$2.2 billion, probably more, over the next seven years to the State of Hawaii. And I'm proud of the work this Chamber did to construct something that would allow for immediate investment and dollars to come in to Hawaii, right now. The relocation of major corporations, right now without impacting any social programs or jeopardizing our budget situation.

"I'm fearful, as the good Representative said, of the Council's next numbers. I was hoping with these initiatives, they would have powerful numbers to offset the bad news. And I'm hoping that should these numbers prove out to be true and we are called back, I publicly and humbly ask the Governor, if he does bring us back, that he would consider, and all of our colleagues, to bring these initiatives back, if a Special Session is called, so we can have powerful investment occur now and positive numbers to reverse the trend that is happening.

"But at the end of the day, Mr. Speaker, this Body accomplished a lot and I'm proud. We're the first state in the country to tackle the mortgage situation. We have done great work on a lot of issues, and we once again managed to find a way out of another huge deficit that was thrust upon the

people of Hawaii on 3/11. And I know that your Committee and I, and I believe my colleagues, they will, we will, work hard to pursue these initiatives. To make sure that we can, in the words of the good speaker of Hawaii Kai, grow the pie, but also to be realistic and to basically be able to balance our fiduciary responsibilities against the ability to bring much needed jobs and economic opportunity in the State of Hawaii.

"I'm proud of the work we did, and I'm proud of next year. And I'm hoping that if chance avails itself, that this Body will once again rise to the level and be able to move forward and deliver powerful legislation that gives us the opportunity that we need, not only for this generation, Mr. Speaker, but for the future generations. For the *keiki* that were in the audience before so they can see that clean jobs, high paying jobs, do exist in the State of Hawaii. And we are a leader to the world and the Pacific, as will be illustrated by APEC. And we are not just merely in the middle of the Pacific.

"So thank you colleagues, for everything. Thank you for all your *manao* and again, I really appreciate the fact that you were all committed, no matter what our various views on different issues were, on trying to make Hawaii the best state in the nation and the best place in the world and a leader for the 21st century. Thank you, Mr. Speaker."

Representative Awana: "Thank you, Mr. Speaker. I'd just like to also share the comments from all the other previous legislators in support of your leadership during this past Session, as well as the leadership of our Vice Speaker.

"In addition, there were some comments made about APEC and I'd just like to happily announce that as the Chair of International Affairs, I've been working closely with the likes of Tim Johns, Peter Ho and Gregg Yamanaka to talk about initiatives where our legislative body could participate. And I'm pleased to announce that they have spoken with the State Department and there will be opportunities for our legislative body to engage.

"During the interim, I'd just like to encourage Members, if they would like to participate, they can contact our office. Along with the opportunities during the interim with CSG, we have our Clean Energy Summit which is scheduled for September 12 through 15 which will also help us with our economy, and other perhaps even creating more opportunities for more growth within our State. Thank you, Mr. Speaker."

Representative C. Lee: "Thank you, Mr. Speaker. I would, just on a final note, want to wish everybody a Happy Boy's Day. Apparently now it's called Children's Day. I don't know whose reso that was, but Happy Boy's Day."

Representative Souki: "Yes, Mr. Speaker. Thank you very much to you and your leadership team for leading the State in a right direction. It was the third consecutive Session facing a huge deficit and you pulled us through. And may I say, with a nice, healthy surplus as well. So to you and your leadership, the Finance Committee, and all the Chairs, thank you very much. Good job."

Speaker Say: "The Chair has some very short remarks to make. First and foremost, let us thank our office managers. Let us thank our Session employees. Let us thank the House Chief Clerk's Office in supporting all of you, and their staff who are sometimes in the back and we may not know about them. Let us thank the Printshop for their job in providing us with the hard copies.

"Let us thank the Sergeant-at-Arms in supporting all of you in whatever inventory that you have in your offices and their staff. Let us thank our Chief Clerk and Assistant Chief Clerk. Let us thank our Executive Director and the Deputy Executive Director of the House Majority Staff Office, CJ Leong and Joan Yamaguchi. And let us thank Mr. Kevin Kuroda and Lon Paresa for a job well done.

"You always hear the statement about how it is based on tradition. Let us thank, for the Members of this House, two individuals who have also done

so much for us. Mr. Richard Dvovich and Mr. Jim Funaki as our legal counsel.

"Let us thank the LRB Office, and the Minority Research Office with Beth and John. But also let us thank the Legislative Reference Bureau for all the requests that you have made and they have fulfilled.

"If you look in the cubby hole to my left and to maybe your right, let us thank the news reporters. BJ, Derek, and Mark. And also to the *Civil Beat* who has always been here trying to report the openness and the transparency and the operations of the State House of Representatives.

"In closing the Chair recognizes. Blake Oshiro. Would you like to make any comments since you are the Majority Leader? The Minority Leader spoke previously. Thank you very much, Blake, Cindy, and Joey for a job well done. Gene, Kimberly, Corinne, Cynthia from the Minority Leadership."

The following is a list of all permanent and session staff for the 2011 Legislative Session:

Representative Aquino: Maureen Andrade, Sherry Ann Bing, Janelle Funtanilla, Arlene Shimokawa, Ruffalyne Sunajo

Representative Awana: Enoka Lucas, Irene Amber-Leigh Awana, Kent Jiang, Yoon Kim

Representative Belatti: Bernadette Fo, Judy Ma, Joal Murakami, Jonalyn Uehara

Representative Brower: Cynthia Nyross, Lauren Easley, Jamal Siddiqui

Representative Cabanilla: Bryan 'Jaco' Gallarde, Patrocinio Bolo, Susan Halperin, Christopher Manabat, Christina Simms

Representative Carroll: Janice Salcedo, Leilani Cannon, Michael Greenough

Representative Chang: Sharon Miranda, Barbara Anderson, Francine Kaneshige

Representative Ching: Elise Anderson, Jocelyn Ho, Natalia Ivanitskaya, Kainoa Kaumeheiwa-Rego, Nicholas Maselli, Mailynn Ngo, Tristan Royce-Carter

Representative Chong: Janis Higaki, Lody 'Aisha' Allen, Charles Freedman, Janine Tully

Representative Choy: Carole Hagihara, Pamela Seeney, Dennis Yamamoto

Representative Coffman: Carl Miura, Sean Mikell, Chuck Murata

Representative Cullen: Shanell Cullen, Sy Cullen, Rachele Lamosao, Liane Miwa, Jolyn Adele Prieto

Representative Evans: Teriitavae Perez, Tommie Suganuma, Pamela Gorniak, Brooke Jones, Thomas Marzec

Representative Fontaine: Carrie Kealoha, Tania Cortez-Camero, Jeffrey Lyons

Representative Hanohano: Margaret 'Poni' Daines, Mary Baker, Kaliko Chun, Kristen Daines, Kahikina Kaawaloa

Representative Har: Melissa Nilles, Ronson Dela Pina, Leah Morse, Megan Warren

Representative Hashem: Kathy Kato, Angelica Moore, Dorothy Mulkern, Casey Nishimura

Representative Herkes: Eloise Kuniyoshi, Cory Chun, Rebecca Gardner, Emily Klatt, Marlene Texeira, Brian Yamane

Representative Ichiyama: Melanie Kuroiwa-Steiner, Cu Lee, Jeanette Matsumoto, Chace Shigemasa

Representative Ito: Melissa Miranda-Johnson, Stephanie Macadangdang, George Okuda

Representative Johanson: Erin Kealoha, Carole Kaapu, Stephen Kaneshiro, Cynthia Vaillancourt

Representative Jordan: Nicole 'Lehua' Kinilau, Margo Hartford, Meghan McGurk, Linda Tanaka

Representative Kawakami: Merissa Sakuda, Lahela Hite, Tammy Mori

Representative Keith-Agaran: Ann Takaki, Max Bauval, Jessica Faige, Nicole Kato, James Miura, James Nelson, Susan Wong

Representative Chris Lee: Jennifer Wilbur, Lina Le, Matthew Prellberg, Eric Stinton

Representative Marilyn Lee: Lloyd Young III, Liane Yim, Ann Yuasa

Representative Luke: Blayne Higa, Emma Wood, Avery Yoo

Representative Manahan: Karen Kawamoto, Willette Naauao, Daniel Kalili, Maria Fiedes Doctor

Representative Marumoto: Joan Shinn, Loretta Arizumi, Spencer Lau Jr., Gaye Miyasaki, Maureen Muraoka

Representative McKelvey: Wendee Wilson, Thomas Brandt, Lawrence Sagaysay

Representative Mizuno: Joje May Mizuno, Josephine Besario, Michael Bouffard, Alice Nakama, Maria Nerissa Sadaya

Representative Morikawa: Mark Mararagan, Grant Kagawa, Thomas Oi

Representative Nakashima: Lori Hasegawa, Charlene Afu, Van Morita

Representative Nishimoto: Candace Van Buren, Anna Borris, Nina Talawva

Representative Blake Oshiro: Benjamin Park, Amoreena 'Reena' Rabago, Kenneth Best, Janice Farrant, Melita Lani

Representative Marcus Oshiro: Tracy Kubota, Tiffany Aoyama, Nicholas Chong, Michael Fisher, Midori Hirai, Karisa Erin Look, Megan Muramatsu, Lucia Phan, Renee Stapley, Maryanne Takahashi, Jenai Umetsu, Nicole Velasco, Debra Yuen

Representative Pine: Lana 'Kauai' Alapa, John Gollner, Canuto Bacal Jr., Mariano Doctolero, Lilia Lambinico, Kaylee Skaar

Representative Rhoads: Sonny Le, Anthony Chang, Ryan Hew, Kelly Morikone

Representative Riviere: Trina Ishii, Ann Otteman, Jacquelyn Skaf

Representative Saiki: Mallory Fujitani, Jonathan Tungpalan, Nathan Miyake, Katie Young

Representative Say: Calvin Azama, Cassandra Song, Wayne Yagi, Dwight Yoshimura

Representative Souki: Flo Hamasaki, Peggy Collier, Vernon Souki, Charles St. Sure

Representative Takai: RaniaLisa Vargas, Cheryl Derby, Kristine Duong, Anthony Selvanathan

Representative Takumi: Nancy Nishimura, Daniel Kent, Margot Seeto

Representative Thielen: Melody Heidel, Leslie Cole-Brooks, Charlotte Farmer

Representative Tokioka: Amy Luke, Casey Watabu

Representative Tsuji: Lora Lapenia, Malina Iida, Denna Macanas, Ken Nakamoto

Representative Ward: Jame Schaedel, Leonard Klompus, Linda Smith, Kendall Amazaki, Garvin Chun, Pamela Kam

Representative Wooley: Jennifer Agcaoili, Jacqueline Miyashiro, Daniel Mollway, Lydia Nikolao, Flora Obayashi, Kaimana Pine

Representative Yamane: Danielle Bass, Ava Marie Cavaco, Maria Grant, Jordon Higa

Representative Yamashita: Lois Tambalo, Edwin Hayashi, Tannya Kanei-Ibara, Kristen Oka

Finance Committee: Eric Abe, Perri 'Puna' Chai, Jody 'Jo' Hamasaki, Randy Hiyoto, Alex Kagawa, Nandana Kalupahana, Stacey Tagala

Majority Research: CJ Leong, Joan Yamaguchi, Doreen Belen, Siobhan Caruso Ng, Alicia Duffin, Richard Dvnoch, Janelle Etelagi, James Funaki, Jamie Go, Susan Iwata, Mary James, Alison Kim, Steven Lum, Pamela McCreadie, Roy Nihei, Kendra Oishi, Carolyn Plett, Allison Herschel, Aaron Kam, Shin Woo Kim, Brandon Masuoka, Ranie Mulligan, Dietra Myers Tremblay, Elsielyn Singson, William Toyozaki, Margaret Yamashita, Jason Young

Communications: Georgette Deemer, Thelma Dreyer

Minority Research: Beth Fukumoto, Candace Crouch-Kelsey, James Delavan, John Gibo, Nadine Nishioka, Michelle Van Hessen, Roosevelt Freeman, Sarah Fukumoto, Marlo-John Ting, Catherine Veillard

Chief Clerk's Office: Patricia Mau-Shimizu, Brian Takeshita, Waynette Araki, Josette Friedl, Royce Fukumoto, Matthew Hanabusa, Gail Iseri, Adele Ito, Ruperto Juarez, Arman 'Kai' Lau, Eric Lee, Denise Liu, Craig Nakahara, Thai Nguyen, Emma Perry, Neal Shigemura, Roger Tyau, Sharrese Castillo, Angel Fujihara, Chi-Hwa 'Elvis' Ho, Ryan Kagimoto, Allyna Lee, Jimmy Lee, Beverly Lum, Ross Miyasato Jr., Teoni Obrey, Randi Ono, Sheryll Pila, Lehua Saturnio, Jill Takamatsu, Ruby Tomokiyo, Scott Yamane, Diane Yukumoto

Printshop: Tammy Tengan, Fritz Belmore, Carol Cabebe, Karen Ebisuya, Bradley Haida, Roy Higa, Jack Ikeda, Lorin Kaalekahi Jr., Summer Kaleo, Jean Kinoshita, Nicholas Kaimana Kurosawa, Elaine Miyamoto, Mildred Phillips, Estelita Pumares, Eleanor Riney, Ambronette Nalani Rivera, Alice Sato, Linda Shishido, Peggie Spencer, Aileen Tanaka, Mark Villamor, Curtis Yoshida, Wesley Yoshitake

Sergeant-At-Arms: Kevin Kuroda, Lon Paresa, Paulette Abe, Jesse Alvarado, Rowena 'Ronie' Low, Glenn Okamura, Suzanne Apo, John Baker, Matthew Daog, James Fludd Sr., Darryl Fukuji, Rodney Haena, Bronson Low, Janelle Murakawa, Henry Muronaga, Neal Nagata, Geoffrey Oshiro, Jon Shitabata, Jeffrey Spencer, Richard Tamashiro, Raymond Yamane

Speaker Say: "So in closing, thank you very much for the opportunity and privilege of being your Speaker once more.

"Before we adjourn, I think the request from Representative Cabanilla was to ask that we all stand in recognition of, and in commending our soldiers at war at this point and time. Please stand for a moment of silence."

At this time, Members of the House of Representatives stood for a moment of silence in honor of all the service members who died in the name of the war against terrorism.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.C.R.**Nos. Re-referred to:**

130, SD1	Jointly to the Committee on Education and the Committee on Culture & the Arts
145	Committee on Education

ADJOURNMENT

Representative B. Oshiro moved that the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, adjourn Sine Die, seconded by Representative Ward.

The motion was put to vote by the Chair and carried, and at 12:52 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, adjourned Sine Die. (Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 575, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1076, HD 1, SD 2

House Communication dated May 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 700 through 702) were received by the Clerk:

Sen. Com. No. 700, dated May 5, 2011, informing the House that the following bill has this day passed Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

Sen. Com. No. 701, dated May 5, 2011, transmitting S.R. No. 114, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate.

Sen. Com. No. 702, dated May 5, 2011, informing the House that the Senate has on May 3, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 219, SD 1, HD 1
S.B. No. 946, SD 1, HD 1
S.B. No. 1088, SD 1, HD 1
S.B. No. 1300, SD 2, HD 2

**GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE 2011 LEGISLATURE SINE DINE**

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 198, 199 and 1136 through 1154) were received by the Clerk:

Gov. Msg. No. 198, dated May 20, 2011, transmitting the 2011 Medicaid Health Care Insurance Plan Contracts Report prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 103F-107, HRS.

Gov. Msg. No. 1136, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 865, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES." (ACT 036)

Gov. Msg. No. 1137, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 1349, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS." (ACT 037)

Gov. Msg. No. 1138, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 923, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD." (ACT 038)

Gov. Msg. No. 1139, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 81, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE." (ACT 039)

Gov. Msg. No. 1140, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 1233, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC." (ACT 040)

Gov. Msg. No. 1141, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 1327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES." (ACT 041)

Gov. Msg. No. 1142, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 298, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS." (ACT 042)

Gov. Msg. No. 1143, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 381, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS." (ACT 043)

Gov. Msg. No. 1144, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 1053, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS." (ACT 044)

Gov. Msg. No. 1145, transmitting his statement of objections to H.B. No. 382, HD 2, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 5, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 382

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 382, entitled "A Bill for an Act Relating to the Auditor."

The purpose of this bill is to specifically allow the Auditor to inspect the documents, confidential tax returns, and financial affairs of the Department of Taxation and to require the Auditor to implement internal policies to protect confidentiality of private personal information contained in tax returns.

This bill is objectionable because the Auditor currently has statutory authority to inspect the records of agencies pursuant to section 23-5, Hawaii Revised Statutes. Moreover, section 23-5(c)(1), Hawaii Revised Statutes, authorizes the Auditor to issue subpoenas that are subject to judicial review. This bill appears to give the Auditor unrestricted access to taxpayers' tax returns and return information "only to the extent necessary in the auditor's duties within the scope of the audit," but leaves it to the Auditor to determine what is within the scope of the Auditor's duties.

America's taxation system, as well as Hawaii's taxation system, relies and rests on a bedrock principle of voluntary compliance and self assessment. In return for a taxpayer's voluntary act of self-assessment, federal and state laws provide stringent confidentiality requirements that provide a strong incentive for taxpayers to report all of their income. See, generally, Federal Savings and Loan Insurance Corporation v. Krueger, 55 F.R.D. 512, 514 (D.C. Ill. 1972); see also United States v. Tucker, 316 F. Supp. 822, 825 (D. Conn. 1970) (statutes forbidding unauthorized disclosure of income tax return information encourages the full and accurate reporting of income for tax purposes).

Currently, with respect to tax returns or return information, sections 235-116 and 237-34, Hawaii Revised Statutes, make it a criminal offense for any officer or employee of the Department of Taxation to disclose tax returns or return information to any other person by the taxpayer or the taxpayer's authorized representative, with certain other limited exceptions. Similarly, sections 6103(a) and 7213 of the Internal Revenue Code generally prohibit the disclosure of federal income tax returns. Moreover, federal law in section 6103(i)(8)(C) of the Internal Revenue Code contains a provision for disclosures to the Comptroller General for auditing purposes, but this statute also contains the following pre-condition for disclosure for audit purposes:

(C) Disapproval by Joint Committee on Taxation

Returns and return information shall not be open to inspection or disclosed under subparagraph (A) or (B) with respect to an audit-

- (i) unless the Comptroller General of the United States notifies in writing the Joint Committee on Taxation of such audit, and
- (ii) if the Joint Committee on Taxation disapproves such audit by a vote of at least two-thirds of its members within the 30-day period beginning on the day the Joint Committee on Taxation receives such notice.

The bill lacks this important and essential provision that would safeguard and serve as an oversight function on the Auditor. In addition, the bill is silent on the Department of Taxation's ability to assert the

attorney-client or executive privilege for certain communications and documents.

For the foregoing reasons, I am returning House Bill No. 382 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1146, transmitting his statement of objections to S.B. No. 1416, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 5, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1416

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1416, entitled "A Bill for an Act Relating to Highway Safety."

The purpose of this bill is to extend the period in which an owner of a new car is exempted from obtaining a certificate of inspection from two years to three years from the date of purchase.

While new vehicles are unlikely to experience major mechanical defects during the first three years after purchase, other faults, which would be discovered during an inspection, may still occur. These faults include defective head lamps, signal lamps, and brake lamps, expired registration and insurance cards, worn-out brakes, tires, and windshield wipers, modified suspension and window tint, and cracked windshields.

New cars already have a two-year exemption from a required inspection and I cannot, in good conscience, sign a bill into law that would add another year to that exemption, because that would increase the likelihood of the aforementioned faults occurring without discovery.

For the foregoing reasons, I am returning Senate Bill No. 1416 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1147, informing the House that on May 05, 2011, the following bill was signed into law:

H.B. No. 424, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS." (ACT 045)

Gov. Msg. No. 1148, informing the House that on May 05, 2011, the following bill was signed into law:

H.B. No. 270, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES." (ACT 046)

Gov. Msg. No. 1149, informing the House that on May 05, 2011, the following bill was signed into law:

H.B. No. 439, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE." (ACT 047)

Gov. Msg. No. 1150, informing the House that on May 05, 2011, the following bill was signed into law:

S.B. No. 651, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES." (ACT 048)

Gov. Msg. No. 1151, dated May 5, 2011, informing the House that on May 5, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill will become law without his signature, stating:

"Dear President Tsutsui, Speaker Say and Members of the Legislature:

Re: HB1552 HD1 SD2

On May 5 2011, I intend to allow HB1552 HD1 SD2, entitled "RELATING TO COFFEE" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to provide restrictions on the use of geographic origins of Hawaii-grown coffee on coffee packaging, including prohibiting the use of a Hawaii geographic origin in certain labeling unless one hundred percent of the coffee contained in the package is from that geographic region.

While I remain committed to protecting the integrity of Hawaii grown coffee, I do not believe that geographic references on coffee packages necessarily mislead consumers and imply that the coffee in the package was grown exclusively in the named geographic region. Additionally, the existing statute already requires the identity statement for blended coffee to be conspicuously displayed on the packaging. Therefore, I believe that prohibiting the use of a geographic origin on coffee packaging unless one hundred percent of the coffee is from that geographic region is more excessive than is necessary to serve the State's interest.

For the foregoing reasons, I intend to allow HB1552 HD1 SD2 to become law as ACT 049 (11) effective May 5, 2011, without my signature.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1152, informing the House that on May 06, 2011, the following bill was signed into law:

S.B. No. 1386, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII." (ACT 050)

Gov. Msg. No. 1153, informing the House that on May 18, 2011, the following bill was signed into law:

S.B. No. 1291, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS." (ACT 051)

Gov. Msg. No. 1154, informing the House that on May 18, 2011, the following bill was signed into law:

H.B. No. 945, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 052)

Gov. Msg. No. 1155, informing the House that on May 19, 2011, the following bill was signed into law:

H.B. No. 1069, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED." (ACT 053)

Gov. Msg. No. 1156, dated May 18, 2011, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, transmitting one

proclamation giving notice to the House of the Governor's plan to return the following bill with his objections:

S.B. No. 590, SD 1, HD 1 [sic], entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION."

Gov. Msg. No. 1157, informing the House that on May 20, 2011, the following bill was signed into law:

S.B. No. 2, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND." (ACT 054)

Gov. Msg. No. 1158, informing the House that on May 20, 2011, the following bill was signed into law:

S.B. No. 1555, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES." (ACT 055)

Gov. Msg. No. 1159, informing the House that on May 20, 2011, the following bill was signed into law:

H.B. No. 1313, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST WINDWARD NAZARENE ACADEMY." (ACT 056)

Gov. Msg. No. 1160, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 575, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES." (ACT 057)

Gov. Msg. No. 1161, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 404, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES." (ACT 058)

Gov. Msg. No. 1162, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 838, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT." (ACT 059)

Gov. Msg. No. 1163, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 301, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND." (ACT 060)

Gov. Msg. No. 1164, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 300, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 061)

Gov. Msg. No. 1165, informing the House that on May 26, 2011, the following bill was signed into law:

S.B. No. 1270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND." (ACT 062)

Gov. Msg. No. 1166, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 1003, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE." (ACT 063)

Gov. Msg. No. 1167, informing the House that on May 26, 2011, the following bill was signed into law:

S.B. No. 1325, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION." (ACT 064)

Gov. Msg. No. 1168, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 1130, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS." (ACT 065)

Gov. Msg. No. 1169, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 1004, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES." (ACT 066)

Gov. Msg. No. 1170, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 1093, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 067)

Gov. Msg. No. 1171, informing the House that on May 26, 2011, the following bill was signed into law:

H.B. No. 1052, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 068)

Gov. Msg. No. 1172, informing the House that on May 27, 2011, the following bill was signed into law:

S.B. No. 1347, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION." (ACT 069)

Gov. Msg. No. 1173, informing the House that on May 31, 2011, the following bill was signed into law:

S.B. No. 883, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES." (ACT 070)

Gov. Msg. No. 1174, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 49, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS." (ACT 071)

Gov. Msg. No. 1175, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1088, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS." (ACT 072)

Gov. Msg. No. 1176, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1085, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 073)

Gov. Msg. No. 1177, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 44, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION." (ACT 074)

Gov. Msg. No. 1178, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1056, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS." (ACT 075)

Gov. Msg. No. 1179, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 931, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS." (ACT 076)

Gov. Msg. No. 1180, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 299, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS OF APPEAL." (ACT 077)

Gov. Msg. No. 1181, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1082, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND." (ACT 078)

Gov. Msg. No. 1182, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1005, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 079)

Gov. Msg. No. 1183, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1045, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 080)

Gov. Msg. No. 1184, informing the House that on June 01, 2011, the following bill was signed into law:

H.B. No. 1049, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 081)

Gov. Msg. No. 1185, informing the House that on June 03, 2011, the following bill was signed into law:

H.B. No. 4, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN." (ACT 082)

Gov. Msg. No. 1186, informing the House that on June 03, 2011, the following bill was signed into law:

H.B. No. 924, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 083)

Gov. Msg. No. 1187, informing the House that on June 07, 2011, the following bill was signed into law:

H.B. No. 1060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY." (ACT 084)

Gov. Msg. No. 1188, informing the House that on June 08, 2011, the following bill was signed into law:

H.B. No. 968, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS." (ACT 085)

Gov. Msg. No. 1189, informing the House that on June 08, 2011, the following bill was signed into law:

S.B. No. 1329, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX." (ACT 086)

Gov. Msg. No. 1190, informing the House that on June 08, 2011, the following bill was signed into law:

H.B. No. 855, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN HAWAII." (ACT 087)

Gov. Msg. No. 1191, informing the House that on June 08, 2011, the following bill was signed into law:

H.B. No. 423, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS." (ACT 088)

Gov. Msg. No. 1192, informing the House that on June 08, 2011, the following bill was signed into law:

H.B. No. 1286, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC." (ACT 089)

Gov. Msg. No. 1193, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 1394, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY." (ACT 090)

Gov. Msg. No. 1194, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 1089, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (ACT 091)

Gov. Msg. No. 1195, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 1331, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 092)

Gov. Msg. No. 1196, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 1281, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 093)

Gov. Msg. No. 1197, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 773, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL." (ACT 094)

Gov. Msg. No. 1198, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 400, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS." (ACT 095)

Gov. Msg. No. 1199, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 1036, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION REQUIREMENTS FOR THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 096)

Gov. Msg. No. 1200, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 570, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 097)

Gov. Msg. No. 1201, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 1483, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)." (ACT 098)

Gov. Msg. No. 1202, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 1070, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES." (ACT 099)

Gov. Msg. No. 1203, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 1241, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX." (ACT 100)

Gov. Msg. No. 1204, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 801, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 101)

Gov. Msg. No. 1205, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 828, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 102)

Gov. Msg. No. 1206, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 1186, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX." (ACT 103)

Gov. Msg. No. 1207, informing the House that on June 09, 2011, the following bill was signed into law:

H.B. No. 1039, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION." (ACT 104)

Gov. Msg. No. 1208, informing the House that on June 09, 2011, the following bill was signed into law:

S.B. No. 754, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 105)

Gov. Msg. No. 1209, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1532, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS." (ACT 106)

Gov. Msg. No. 1210, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 101, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 107)

Gov. Msg. No. 1211, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 1278, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 108)

Gov. Msg. No. 1212, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 1482, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION." (ACT 109)

Gov. Msg. No. 1213, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 484, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES." (ACT 110)

Gov. Msg. No. 1214, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 491, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY." (ACT 111)

Gov. Msg. No. 1215, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1071, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL." (ACT 112)

Gov. Msg. No. 1216, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1376, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE." (ACT 113)

Gov. Msg. No. 1217, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 1290, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED." (ACT 114)

Gov. Msg. No. 1218, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 319, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS." (ACT 115)

Gov. Msg. No. 1219, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 915, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX." (ACT 116)

Gov. Msg. No. 1220, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1009, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER." (ACT 117)

Gov. Msg. No. 1221, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 1076, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES." (ACT 118)

Gov. Msg. No. 1222, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 1067, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION." (ACT 119)

Gov. Msg. No. 1223, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1076, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW." (ACT 120)

Gov. Msg. No. 1224, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1094, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 121)

Gov. Msg. No. 1225, informing the House that on June 14, 2011, the following bill was signed into law:

H.B. No. 1241, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES." (ACT 122)

Gov. Msg. No. 1226, informing the House that on June 14, 2011, the following bill was signed into law:

S.B. No. 1040, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW." (ACT 123)

Gov. Msg. No. 1227, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 120, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS." (ACT 124)

Gov. Msg. No. 1228, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 52, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS." (ACT 125)

Gov. Msg. No. 1229, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 1300, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION." (ACT 126)

Gov. Msg. No. 1230, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 172, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS." (ACT 127)

Gov. Msg. No. 1231, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 1503, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION." (ACT 128)

Gov. Msg. No. 1232, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 1284, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 129)

Gov. Msg. No. 1233, informing the House that on June 15, 2011, the following bill was signed into law:

S.B. No. 1174, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS." (ACT 130)

Gov. Msg. No. 1234, informing the House that on June 16, 2011, the following bill was signed into law:

S.B. No. 823, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 131)

Gov. Msg. No. 1235, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 953, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 132)

Gov. Msg. No. 1236, informing the House that on June 20, 2011, the following bill was signed into law:

S.B. No. 1282, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 133)

Gov. Msg. No. 1237, informing the House that on June 20, 2011, the following bill was signed into law:

S.B. No. 806, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS." (ACT 134)

Gov. Msg. No. 1238, informing the House that on June 20, 2011, the following bill was signed into law:

S.B. No. 1068, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY." (ACT 135)

Gov. Msg. No. 1239, informing the House that on June 20, 2011, the following bill was signed into law:

S.B. No. 1489, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS." (ACT 136)

Gov. Msg. No. 1240, informing the House that on June 20, 2011, the following bill was signed into law:

S.B. No. 1089, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS." (ACT 137)

Gov. Msg. No. 1241, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 747, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE." (ACT 138)

Gov. Msg. No. 1242, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 663, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS." (ACT 139)

Gov. Msg. No. 1243, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 909, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT." (ACT 140)

Gov. Msg. No. 1244, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 1333, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT." (ACT 141)

Gov. Msg. No. 1245, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 1613, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING." (ACT 142)

Gov. Msg. No. 1246, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 716, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS." (ACT 143)

Gov. Msg. No. 1247, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 1107, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD." (ACT 144)

Gov. Msg. No. 1248, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 240, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION." (ACT 145)

Gov. Msg. No. 1249, informing the House that on June 20, 2011, the following bill was signed into law:

H.B. No. 141, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE." (ACT 146)

Gov. Msg. No. 1250, informing the House that on June 21, 2011, the following bill was signed into law:

H.B. No. 1079, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS." (ACT 147)

Gov. Msg. No. 1251, informing the House that on June 21, 2011, the following bill was signed into law:

S.B. No. 1485, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS." (ACT 148)

Gov. Msg. No. 1252, informing the House that on June 21, 2011, the following bill was signed into law:

S.B. No. 1069, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS." (ACT 149)

Gov. Msg. No. 1253, informing the House that on June 21, 2011, the following bill was signed into law:

S.B. No. 1383, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE." (ACT 150)

Gov. Msg. No. 1254, informing the House that on June 21, 2011, the following bill was signed into law:

H.B. No. 1342, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS." (ACT 151)

Gov. Msg. No. 1255, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 1020, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION." (ACT 152)

Gov. Msg. No. 1256, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 117, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS." (ACT 153)

Gov. Msg. No. 1257, informing the House that on June 23, 2011, the following bill was signed into law:

S.B. No. 142, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS." (ACT 154)

Gov. Msg. No. 1258, informing the House that on June 23, 2011, the following bill was signed into law:

S.B. No. 14, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT." (ACT 155)

Gov. Msg. No. 1259, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 555, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI." (ACT 156)

Gov. Msg. No. 1260, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 593, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOMINATION PAPERS." (ACT 157)

Gov. Msg. No. 1261, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 960, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING." (ACT 158)

Gov. Msg. No. 1262, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 1368, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS." (ACT 159)

Gov. Msg. No. 1263, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 1434, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS." (ACT 160)

Gov. Msg. No. 1264, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 1447, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT." (ACT 161)

Gov. Msg. No. 1265, informing the House that on June 23, 2011, the following bill was signed into law:

S.B. No. 1328, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION." (ACT 162)

Gov. Msg. No. 1266, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 1038, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 163)

Gov. Msg. No. 1267, informing the House that on June 23, 2011, the following bill was signed into law:

H.B. No. 200, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 164)

Gov. Msg. No. 1268, dated June 27, 2011, pursuant to the notice requirement of Section 16 of Article III of the Constitution of the State of Hawaii, transmitting 23 proclamations giving notice of the Governor's plans to return the following bills with his objections:

S.B. No. 23, A BILL FOR AN ACT RELATING TO NATIVE
SD1, HD2, CD1 HAWAIIANS

S.B. No. 590,
SD1, HD2 A BILL FOR AN ACT RELATING TO THE
LEGISLATIVE FEDERAL ECONOMIC
STIMULUS PROGRAM OVERSIGHT
COMMISSION

S.B. No. 1493,
SD1, HD3, CD1 A BILL FOR AN ACT RELATING TO LIGHT
POLLUTION

S.B. No. 1417,
SD1, HD1 A BILL FOR AN ACT RELATING TO THE
STATE REHABILITATION COUNCIL

S.B. No. 40,
SD2, HD2, CD1 A BILL FOR AN ACT RELATING TO
PSEUDOEPHEDRINE

H.B. No. 56,
HD2, SD2, CD1 A BILL FOR AN ACT RELATING TO CHILD
VISITATION

S.B. No. 44,
SD1, HD1, CD1 A BILL FOR AN ACT RELATING TO PUBLIC
SAFETY

H.B. No. 318,
HD2, SD2 A BILL FOR AN ACT RELATING TO VOG

S.B. No. 217,
SD2, HD2, CD1 A BILL FOR AN ACT RELATING TO
LIMITATION OF ACTIONS

H.B. No. 545,
HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO VOTER
REGISTRATION

H.B. No. 1405,
HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO
PLANNING

H.B. No. 667,
HD1, SD2, CD1 A BILL FOR AN ACT RELATING TO FOOD
SAFETY

S.B. No. 1511,
SD1, HD2, CD1 A BILL FOR AN ACT RELATING TO
AQUACULTURE

S.B. No. 1559,
SD2, HD2 A BILL FOR AN ACT RELATING TO
IMPORTANT AGRICULTURAL LANDS

H.B. No. 680,
SD2, CD1 A BILL FOR AN ACT RELATING TO
KAKAOKO

H.B. No. 1520,
HD2, SD2, CD1 A BILL FOR AN ACT RELATING TO
RENEWABLE ENERGY

H.B. No. 1134,
HD1, SD2 A BILL FOR AN ACT RELATING TO
PREPAID HEALTH CARE

H.B. No. 1155,
HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO REPEAT
OFFENDERS

H.B. No. 1164,
HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO PUBLIC
LANDS

H.B. No. 1230,
HD2, SD1, CD1 A BILL FOR AN ACT RELATING TO
BUILDING PERMITS

H.B. No. 1505,
HD2, SD1, CD1 A BILL FOR AN ACT RELATING TO STATE
FACILITIES

H.B. No. 1654,
HD1, SD1, CD1 A BILL FOR AN ACT RELATING TO GROUP
LIVING FACILITIES

S.B. No. 49,
SD1, HD2, CD1 A BILL FOR AN ACT RELATING TO
CORRECTIONAL FACILITIES

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a

proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 23, entitled "A Bill for an Act Relating to Native Hawaiians," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 23 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 23 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 590, entitled "A Bill for an Act Relating to [sic] Legislative Federal Economic Stimulus Program Oversight Commission," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 590 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 590 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1493, entitled "A Bill for an Act Relating to Light Pollution," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1493 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1493 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1417, entitled "A Bill for an Act Relating to the State Rehabilitation Council," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1417 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1417 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 40, entitled "A Bill for an Act Relating to Pseudoephedrine," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 40 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 40 with my objections thereon

to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 56, entitled "A Bill for an Act Relating to Child Visitation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 56 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 56 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 44, entitled "A Bill for an Act Relating to Public Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 44 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 44 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE

Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 318, entitled "A Bill for an Act Relating to Vog," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 318 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 318 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 217, entitled "A Bill for an Act Relating to Limitation of Actions," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 217 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 217 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before

adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 545, entitled "A Bill for an Act Relating to Voter Registration," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 545 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 545 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1405, entitled "A Bill for an Act Relating to Planning," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1405 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1405 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 667, entitled "A Bill for an Act Relating to Food Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 667 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 667 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1511, entitled "A Bill for an Act Relating to Aquaculture," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1511 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1511 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1559, entitled "A Bill for an Act Relating to Important Agricultural Lands," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1559 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1559 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 680, entitled "A Bill for an Act Relating to Kakaako," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 680 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 680 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1520, entitled "A Bill for an Act Relating to Renewable Energy," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1520 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1520 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1134, entitled "A Bill for an Act Relating to Prepaid Health Care," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1134 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1134 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1155, entitled "A Bill for an Act Relating to Repeat Offenders," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1155 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1155 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1164, entitled "A Bill for an Act Relating to Public Lands," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1164 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1164 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1230, entitled "A Bill for an Act Relating to Building Permits," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1230 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1230 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1505, entitled "A Bill for an Act Relating to State Facilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1505 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of

Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1505 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1654, entitled "A Bill for an Act Relating to Group Living Facilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1654 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1654 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

"P R O C L A M A T I O N"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 49, entitled "A Bill for an Act Relating to Correctional Facilities," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 49 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 49 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 27
day of June, 2011.

Gov. Msg. No. 1269, informing the House that on June 27, 2011, the following bill was signed into law:

S.B. No. 1088, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS." (ACT 165)

Gov. Msg. No. 1270, informing the House that on June 27, 2011, the following bill was signed into law:

H.B. No. 467, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION." (ACT 166)

Gov. Msg. No. 1271, informing the House that on June 27, 2011, the following bill was signed into law:

S.B. No. 34, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS." (ACT 167)

Gov. Msg. No. 1272, informing the House that on June 27, 2011, the following bill was signed into law:

H.B. No. 1000, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES." (ACT 168)

Gov. Msg. No. 1273, informing the House that on June 27, 2011, the following bill was signed into law:

H.B. No. 397, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE." (ACT 169)

Gov. Msg. No. 1274, informing the House that on June 27, 2011, the following bill was signed into law:

S.B. No. 986, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM." (ACT 170)

Gov. Msg. No. 1275, informing the House that on June 27, 2011, the following bill was signed into law:

S.B. No. 1491, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURTS." (ACT 171)

Gov. Msg. No. 1276, informing the House that on June 27, 2011, the following bill was signed into law:

S.B. No. 163, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 172)

Gov. Msg. No. 1277, informing the House that on June 27, 2011, the following bill was signed into law:

S.B. No. 105, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH." (ACT 173)

Gov. Msg. No. 1278, informing the House that on July 01, 2011, the following bill was signed into law:

S.B. No. 219, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS." (ACT 174)

Gov. Msg. No. 1279, informing the House that on July 01, 2011, the following bill was signed into law:

S.B. No. 892, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICE ANIMALS." (ACT 175)

Gov. Msg. No. 1280, informing the House that on July 01, 2011, the following bill was signed into law:

H.B. No. 597, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE." (ACT 176)

Gov. Msg. No. 1281, informing the House that on July 01, 2011, the following bill was signed into law:

H.B. No. 889, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 177)

Gov. Msg. No. 1282, informing the House that on July 01, 2011, the following bill was signed into law:

S.B. No. 1154, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION." (ACT 178)

Gov. Msg. No. 1283, informing the House that on July 01, 2011, the following bill was signed into law:

S.B. No. 921, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS." (ACT 179)

Gov. Msg. No. 1284, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 1073, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES." (ACT 180)

Gov. Msg. No. 1285, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY." (ACT 181)

Gov. Msg. No. 1286, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 285, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 182)

Gov. Msg. No. 1287, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 1342, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR THE DISABLED." (ACT 183)

Gov. Msg. No. 1288, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 1153, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS." (ACT 184)

Gov. Msg. No. 1289, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 281, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY." (ACT 185)

Gov. Msg. No. 1290, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 1277, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION." (ACT 186)

Gov. Msg. No. 1291, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 1025, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE." (ACT 187)

Gov. Msg. No. 1292, informing the House that on July 05, 2011, the following bill was signed into law:

S.B. No. 742, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL." (ACT 188)

Gov. Msg. No. 1293, informing the House that on July 05, 2011, the following bill was signed into law:

H.B. No. 605, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY." (ACT 189)

Gov. Msg. No. 1294, informing the House that on July 06, 2011, the following bill was signed into law:

S.B. No. 758, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS." (ACT 190)

Gov. Msg. No. 1295, informing the House that on July 06, 2011, the following bill was signed into law:

H.B. No. 616, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CUSTODY." (ACT 191)

Gov. Msg. No. 1296, informing the House that on July 06, 2011, the following bill was signed into law:

S.B. No. 1221, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 192)

Gov. Msg. No. 1297, informing the House that on July 06, 2011, the following bill was signed into law:

S.B. No. 903, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 193)

Gov. Msg. No. 1298, informing the House that on July 06, 2011, the following bill was signed into law:

S.B. No. 1519, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS." (ACT 194)

Gov. Msg. No. 1299, informing the House that on July 06, 2011, the following bill was signed into law:

S.B. No. 1520, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT." (ACT 195)

Gov. Msg. No. 1300, informing the House that on July 07, 2011, the following bill was signed into law:

H.B. No. 519, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION." (ACT 196)

Gov. Msg. No. 1301, informing the House that on July 07, 2011, the following bill was signed into law:

H.B. No. 1566, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS." (ACT 197)

Gov. Msg. No. 1302, informing the House that on July 08, 2011, the following bill was signed into law:

S.B. No. 181, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES." (ACT 198)

Gov. Msg. No. 1303, informing the House that on July 08, 2011, the following bill was signed into law:

S.B. No. 1244, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS." (ACT 199)

Gov. Msg. No. 1304, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 866, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE." (ACT 200)

Gov. Msg. No. 1305, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 122, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY." (ACT 201)

Gov. Msg. No. 1306, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 1568, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE." (ACT 202)

Gov. Msg. No. 1307, informing the House that on July 08, 2011, the following bill was signed into law:

S.B. No. 146, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUEL." (ACT 203)

Gov. Msg. No. 1308, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 1520, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY." (ACT 204)

Gov. Msg. No. 1309, informing the House that on July 08, 2011, the following bill was signed into law:

S.B. No. 1348, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE." (ACT 205)

Gov. Msg. No. 1310, informing the House that on July 08, 2011, the following bill was signed into law:

S.B. No. 229, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS." (ACT 206)

Gov. Msg. No. 1311, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 331, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS." (ACT 207)

Gov. Msg. No. 1312, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 227, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS." (ACT 208)

Gov. Msg. No. 1313, informing the House that on July 08, 2011, the following bill was signed into law:

S.B. No. 298, SD 3, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION." (ACT 209)

Gov. Msg. No. 1314, informing the House that on July 08, 2011, the following bill was signed into law:

H.B. No. 389, HD 3, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE." (ACT 210)

Gov. Msg. No. 1315, informing the House that on July 11, 2011, the following bill was signed into law:

H.B. No. 985, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 211)

Gov. Msg. No. 1316, informing the House that on July 11, 2011, the following bill was signed into law:

H.B. No. 320, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BROKER PRICE OPINIONS." (ACT 212)

Gov. Msg. No. 1317, informing the House that on July 11, 2011, the following bill was signed into law:

S.B. No. 98, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS." (ACT 213)

Gov. Msg. No. 1318, informing the House that on July 11, 2011, the following bill was signed into law:

H.B. No. 688, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 214)

Gov. Msg. No. 1319, informing the House that on July 11, 2011, the following bill was signed into law:

S.B. No. 11, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF." (ACT 215)

Gov. Msg. No. 1320, informing the House that on July 11, 2011, the following bill was signed into law:

S.B. No. 45, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY." (ACT 216)

Gov. Msg. No. 1321, informing the House that on July 11, 2011, the following bill was signed into law:

S.B. No. 631, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY." (ACT 217)

Gov. Msg. No. 1322, informing the House that on July 11, 2011, the following bill was signed into law:

S.B. No. 1213, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING." (ACT 218)

Gov. Msg. No. 1323, informing the House that on July 11, 2011, the following bill was signed into law:

S.B. No. 1530, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS." (ACT 219)

Gov. Msg. No. 1324, informing the House that on July 11, 2011, the following bill was signed into law:

H.B. No. 761, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES." (ACT 220)

Gov. Msg. No. 1325, informing the House that on July 11, 2011, the following bill was signed into law:

H.B. No. 739, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES." (ACT 221)

Gov. Msg. No. 1326, informing the House that on July 12, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without his signature:

S.B. No. 782, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS." (ACT 222)

Gov. Msg. No. 1327, informing the House that on July 12, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without his signature:

H.B. No. 1138, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS." (ACT 223)

Gov. Msg. No. 1328, informing the House that on July 12, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without his signature:

S.B. No. 173, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION." (ACT 224)

Gov. Msg. No. 1329, informing the House that on July 12, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without his signature:

S.B. No. 946, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 225)

Gov. Msg. No. 1330, informing the House that on July 12, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without his signature:

S.B. No. 1533, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS." (ACT 226)

Gov. Msg. No. 1331, informing the House that on July 12, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without his signature:

S.B. No. 975, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS." (ACT 227)

Gov. Msg. No. 1332, informing the House that on July 12, 2011, the following bill was signed into law:

H.B. No. 1134, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE." (ACT 228)

Gov. Msg. No. 1333, informing the House that on July 12, 2011, the following bill was signed into law:

H.B. No. 318, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VOG." (ACT 229)

Gov. Msg. No. 1334, informing the House that on July 12, 2011, the following bill was signed into law:

S.B. No. 1274, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 230)

Gov. Msg. No. 1335, informing the House that on July 12, 2011, the following bill was signed into law:

H.B. No. 1505, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FACILITIES." (ACT 231)

Gov. Msg. No. 1336, informing the House that on July 12, 2011, the following bill was signed into law:

S.B. No. 1511, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE." (ACT 232)

Gov. Msg. No. 1337, informing the House that on July 12, 2011, the following bill was signed into law:

H.B. No. 1405, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING." (ACT 233)

Gov. Msg. No. 1338, informing the House that on July 12, 2011, the following bill was signed into law:

H.B. No. 680, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO." (ACT 234)

Gov. Msg. No. 1339, informing the House that on July 12, 2011, the following bill was signed into law:

H.B. No. 1164, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS." (ACT 235)

Gov. Msg. No. 1340, transmitting his statement of objections to H.B. No. 56, HD 2, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 56

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 56, entitled "A Bill for an Act Relating to Child Visitation."

The purpose of this bill is to clarify the process for the family court's review of a petition of grandparents' visitation rights by establishing a rebuttable presumption that a parent's decision regarding visitation is in the best interests of the child, permitting the family court to award visitation rights to the child's grandparents if they can prove by clear and convincing evidence that the denial of those visits would cause significant demonstrable harm to the child, and listing factors that the family court shall consider when awarding grandparent visitation rights.

While the goals of this bill are laudable, several difficulties need to be addressed. I believe that it will be too difficult for grandparents to show by clear and convincing evidence that the denial of visitation will cause significant demonstrable harm to the child. While I recognize that parents have a constitutional right to raise their children as they see fit, I also recognize that grandparents often have a significant role in children's lives and should be able to visit their grandchildren.

For the foregoing reasons, I am returning House Bill No. 56 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1341, transmitting his statement of objections to H.B. No. 545, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 545

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 545, entitled "A Bill for an Act Relating to Voter Registration."

The purpose of this bill is to require the Chief Elections Officer to create and implement an electronic voter registration system by January 1, 2014 and to maintain the system thereafter. The bill also requires the Chief Elections Officer to employ measures to ensure the security, accuracy and integrity of the information that is electronically submitted. The Attorney General, counties, and the Office of Elections are required to modify their computer systems to verify the information in the online voter registration

system and to obtain an electronic copy of each applicant's signature. The estimated cost of implementation is \$2.5 million and no funding was provided in the bill.

While the goal of this bill is laudable, it creates an unfunded mandate at a time when fiscal resources are scarce, and agencies are fighting to meet their existing responsibilities.

For the foregoing reasons, I am returning House Bill No. 545 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1342, transmitting his statement of objections to H.B. No. 667, HD 1, SD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 667

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 667, entitled "A Bill for an Act Relating to Food Security [sic]."

The purpose of this bill is to establish a food safety and security program within the Department of Agriculture.

This bill has a laudable goal of achieving food safety by requiring the Department of Agriculture to establish and operate port facilities where agricultural commodities can be inspected, treated for disease, or destroyed. The department must develop and implement programs to educate the agricultural industry to meet state and federal laws, rules, and regulations. However, the authority to adopt administrative rules for the new program has not been provided and funds have not been appropriated to support this program. This issue is important enough that this Administration will work to put together comprehensive legislation including a funding mechanism for the next legislative session.

For the foregoing reasons, I am returning House Bill No. 667 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1343, transmitting his statement of objections to H.B. No. 1155, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1155

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1155, entitled "A Bill for an Act Relating to Repeat Offenders."

The purpose of this bill is to amend the repeat offender law to do the following:

- (1) Amend the current law, which includes all class A and B felony offenses, to specify only certain class A and B felony offenses that may be considered in qualifying repeat offenders for mandatory minimum prison terms; and
- (2) Add and delete certain class C felony offenses from the list of class C felony offenses that could qualify repeat offenders for mandatory minimum prison terms.

While the goals of this bill are laudable, several difficulties need to be addressed as it reduces the applicability and effectiveness of the repeat offender law.

The repeat offender law, set out in section 706-606.5, Hawaii Revised Statutes, was enacted in 1976 and has been in place for almost thirty-four years. It was intended to address the serious problem of repeat and habitual offenders and career criminals who have no regard for the law or the legal system. It helps protect Hawaii's people and communities from the relatively small group of criminals who commit so many of the crimes that occur in Hawaii. These individuals can have a tremendous impact on our communities and the entire criminal justice system.

This bill would make the repeat offender law inapplicable to all felony drug offenses. The current law is particularly important in combating the sale and distribution of dangerous drugs in our community which often destroy families and the lives of those who become addicted to and abuse the drugs.

This bill makes the repeat offender law inapplicable to the offense of ownership or possession of firearms or ammunition by persons convicted of certain crimes, in violation of section 134-7, Hawaii Revised Statutes. Section 134-7(b) prohibits a person convicted in this State or elsewhere of having committed a felony, or any crime of violence, or an illegal sale of any drug from owning, possessing, or controlling any firearm or ammunition.

The exclusion of the class C felony offenses of theft in the second degree and unauthorized control of a propelled vehicle is also troubling. These offenses are frequently committed by repeat offenders, who are often professional and career criminals. There are many car thieves who commit the offense as part of organized criminal activity involving motor vehicle "chop shops." The repeat offender law helps to ensure that these professional criminals, when finally caught and convicted, are incarcerated to protect our community and our visitors from their persistent criminal activity.

This bill disregards many concerns that led to the adoption of the repeat offender law and prompted changes in the law. It undermines many of the efforts made to address the problems.

For the foregoing reasons, I am returning House Bill No. 1155 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1344, transmitting his statement of objections to H.B. No. 1230, HD 2, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1230

Honorable Members
Twenty-Sixth Legislature

State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1230, entitled "A Bill for an Act Relating to Building Permits."

The purpose of this bill is to exempt construction of nonresidential structures used for agricultural or aquacultural operations from county building permitting processes.

While the goals of this bill are laudable, several difficulties need to be addressed. First, it does not require the reviewer of an owner's proposed building plans to be a state-licensed professional with technical knowledge of the various building code requirements. Second, it eliminates construction compliance inspections by city inspectors during and upon completion of improvements. While this bill would alleviate the delay associated with county building permitting processes for the construction of agricultural or aquacultural improvements, it does so at the expense of the health and safety of the public.

For the foregoing reasons, I am returning House Bill No. 1230 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1345, transmitting his statement of objections to H.B. No. 1654, HD 1, SD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1654

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1654, entitled "A Bill for an Act Relating to Group Living Facilities."

The purpose of this bill is to provide for the automatic termination or expiration of conditional use permits, issued by the counties, for group living facilities that cease operations for a one-year period or fail to commence operations before the end of a one-year period from the date of issuance.

While the goals of this bill are laudable, several difficulties need to be addressed. This bill amends section 46-4(d), Hawaii Revised Statutes. Section 46-4 provides broad requirements for the counties to implement their zoning plans. Subsection (d) specifically applies to "group living in facilities with eight or fewer residents and that are licensed by the State." The purpose of this subsection is to prohibit the counties from enacting permitting requirements for these types of group living facilities that are different from or more burdensome than permitting requirements for residential family dwellings. The prohibition exists to ensure compliance with the federal Fair Housing Act Amendments, which prohibit discrimination against the disabled or elderly in community settings. This bill would amend this subsection to require the counties' conditional use permits to expire within one year if the group living facility has ceased operations for one year, or has failed to commence operations for one year. However, the subsection being amended prohibits counties from requiring "conditional use permits" or any other regulatory requirements for these specific group living facilities. Therefore, this amendment is inapplicable to the facilities that are the subject of this subsection. The bill does not effectuate its stated purpose because there are no "unused permits" that can be made available to other organizations who wish to provide these "critical group home services."

Furthermore, if there were any unused permits or ordinances that prohibit others from providing group living facilities, these county zoning and permitting issues should be left to the jurisdiction of the counties, rather than the State.

For the foregoing reasons, I am returning House Bill No. 1654 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1346, transmitting his statement of objections to S.B. No. 23, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 23

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 23, entitled "A Bill for an Act Relating to Native Hawaiians."

The purpose of this bill is to establish within the Department of Land and Natural Resources, the aha kiole advisory council, which may advise the Office of the Chairperson of the Board of Land and Natural Resources and the Legislature on issues relating to land and natural resources management through the 'aha moku system. The bill requires the 'aha kiole advisory council to submit an annual report to the Office of the Chairperson of the Board of Land and Natural Resources and the Legislature at least twenty days prior to the convening of each regular session listing all recommendations made by the 'aha kiole advisory council and the resulting action taken by the Department of Land and Natural Resources over the course of the year. This bill also appropriates funds for an executive director.

While the goals of this bill are laudable, several difficulties need to be addressed. First, the council is self-selected, not confirmed, has no defined term limits, offers no guidelines concerning the role of its members, and will select its own executive director. In addition, there is no recourse for inappropriate conduct by its members or the ability to remove for cause. The resulting council would essentially be a private entity funded by taxpayers with no governmental oversight. Second, the intent in creating the council is similar to the purpose for which the Office of Hawaiian Affairs ("OHA") was created and is a natural evolution of what a new Native Hawaiian governing entity would seek to accomplish. If there is determination to not wait until this entity is formed, then the council should at least be placed within OHA and funded by OHA. Third, the bill only provides funding for an executive director. This assumes that all other costs associated with this legislation, including travel and other expenses for the eight council members, will be absorbed by the Department of Land and Natural Resources. I support the intent of the legislation to provide state government the knowledge of traditional Native Hawaiian resource management practices and welcome the chance to review a bill that addresses the previously mentioned concerns.

For the foregoing reasons, I am returning Senate Bill No. 23 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1347, transmitting his statement of objections to S.B. No. 40, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 40

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 40, entitled "A Bill for an Act Relating to Pseudoephedrine."

The purpose of this bill is to establish an electronic tracking system for the sale of products containing pseudoephedrine or ephedrine base to further control access to pseudoephedrine and ephedrine.

This bill is objectionable because it embraces more than one subject in violation of Section 14 of Article III of the Constitution of the State of Hawaii, which provides in part:

Each law shall embrace but one subject, which shall be expressed in its title

The single subject expressed in the title of this bill is "pseudoephedrine" Section 1 of the bill amends section 329-75, Hawaii Revised Statutes, which regulates the sale of products containing pseudoephedrine and sets out record-keeping and reporting requirements for pseudoephedrine transaction, but this bill adds ephedrine, a different drug, to the provisions of section 329-75. This is clearly beyond the subject matter expressed in the title of the bill.

For the foregoing reasons, I am returning Senate Bill No. 40 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1348, transmitting his statement of objections to S.B. No. 44, SD 1, HD 1, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 44

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 44, entitled "A Bill for an Act Relating to Public Safety."

The purpose of this bill is to require the Department of Public Safety ("Department") to develop "key performance indicators or measures to be incorporated in reports that evaluate the Department's efforts to improve offender reentry and rehabilitation" and to consolidate the various other reports required of the Department of Public Safety. The bill does this by amending the Community Safety Act, chapter 353H, Hawaii Revised Statutes, to require these things. It also adds an additional annual report to be made to the Legislature regarding the Department's rehabilitation and reentry efforts.

While the goals of this bill are laudable, several difficulties need to be addressed. This bill requires the Department to establish performance measures and a tracking mechanism without enough time to accomplish these things in a well-thought-out manner. Additional funds and personnel are also not provided. This bill would require the first report to the Legislature to be made in December of this year, to include the established measures and tracking data. While the goal of this bill is laudable, appropriate implementation requires planning and resources so that the establishment of measures, tracking, and assessment of the Department's rehabilitation and reentry efforts are accomplished and reported substantively and meaningfully. Without the appropriate time and resources, the tracking of quickly established measures would not help the Department, the Legislature, or our citizens.

For the foregoing reasons, I am returning Senate Bill No. 44, without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1349, transmitting his statement of objections to S.B. No. 49, SD 1, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 49

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 49, entitled "A Bill for an Act Relating to Correctional Facilities."

The purpose of this bill is to amend chapter 353C of Hawaii Revised Statutes to require the director of the Department of Public Safety (Department) to report the death of any Hawaii inmate, or any death or injury causing the death of an employee at a correctional facility or center where Hawaii inmates reside, to the Governor within forty-eight hours. In addition, the director of the Department is required to immediately notify the Governor of the official cause of death once it is determined. In both instances, the Governor is required to then immediately report the information to the Legislature.

This bill is objectionable because it is unnecessary. The Department already has procedures in place that include notification to the Governor's Office of serious incidents involving staff, inmates, or visitors. Further, it is unprecedented and inappropriate that the Governor report such occurrences to the Legislature.

If the Legislature wishes further information based on the reports it requires of the Department, it already has at its disposal a statutorily defined process through which this information can be obtained.

For the foregoing reasons, I am returning Senate Bill No. 49 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1350, transmitting his statement of objections to S.B. No. 217, SD 2, HD 2, CD 1, as follows:

"EXECUTIVE CHAMBERS

HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 217

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 217, entitled "A Bill for an Act Relating to Limitation of Actions."

The stated purpose of this bill is to eliminate the statute of limitations for civil causes of action for damages arising from the sexual abuse of a minor by an adult based upon sexual acts that constitute certain criminal offenses under parts V and VI of chapter 707, Hawaii Revised Statutes. The bill also allows claims that are beyond the current statute of limitations to be revived for two years following the effective date of the act. Claims may be brought against the person who committed the sexual abuse and that person's employer.

While the goals of this bill are laudable, it appears to allow an employer, including the State, to be sued for the criminal acts of its employees. This is contrary to well-established tort and agency law and is in direct contravention of the intentional tort exception to the State Tort Liability Act (STLA), chapter 662 of the Hawaii Revised Statutes. Under the STLA, the State cannot be sued for the criminal or intentional acts of its employees. In addition, this bill irreconcilably conflicts with the STLA, which already establishes a statute of limitations for tort claims against the State.

The elimination of a statute of limitations for a civil claim also raises grave constitutional and fairness concerns. If a claim can be brought after an unlimited passage of time, it is likely that documents will be lost or destroyed, witnesses will die or move away, and memories will fade. The accused, even those falsely accused, will not be able to defend himself, herself, or itself and true justice will not be achieved.

For the foregoing reasons, I am returning Senate Bill 217 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1351, transmitting his statement of objections to S.B. No. 590, SD 1, HD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 590

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 590, entitled "A Bill for an Act Relating to the Legislative Federal Economic Stimulus Program Oversight Commission."

The purpose of this bill is to extend the sunset date of the Legislative Federal Economic Stimulus Program Oversight Commission from June 30, 2011, to December 31, 2011.

However, this bill is identical to House Bill No. 383, which I signed into law on April 28, 2011, as Act 26, Session Laws of Hawaii 2011. Because

the purpose of this bill has already been accomplished, there is no need to approve this bill.

For the foregoing reasons, I am returning Senate Bill No. 590 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1352, transmitting his statement of objections to S.B. No. 1417, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1417

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1417, entitled "A Bill for an Act Relating to the State Rehabilitation Council."

The purpose of this bill is to amend section 348-8, Hawaii Revised Statutes, to lower the number of members of the State Rehabilitation Council necessary to constitute a quorum to conduct business from eleven to ten, and to lower the number of votes necessary to validate any action of the council from eleven to six. The State Rehabilitation Council consists of twenty-one members.

While the goals of the bill are laudable, the entire twenty-one-member council would not be fairly represented if the vote of only six members were necessary to validate council action. We should instead identify and reduce or eliminate barriers to attendance to ensure that persons with disabilities have full representation during council meetings.

For the foregoing reasons, I am returning Senate Bill No. 1417 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1353, transmitting his statement of objections to S.B. No. 1493, SD 1, HD 3, CD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1493

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1493, entitled "A Bill for an Act Relating to Light Pollution."

This bill requires every new and replacement outdoor light fixture to be fully shielded beginning July 1, 2013, with certain exceptions.

I support the intent of this bill and its goals of reducing light pollution, protecting endangered species, conserving energy, and reducing the sky glow that impacts astronomy and the ability to see the night sky. However, since the bill passed, new information has become available about the cost and timing of implementation; this bill does not provide funding for the significant initial and continuing expenses that would be required to implement this legislation and does not provide a feasible implementation plan. The law as written is prohibitive.

However, this is a worthy issue and needs to be pursued. A temporary advisory committee was established by Act 161, Session Laws of Hawaii 2009 to develop a starlight reserve strategy to preserve the quality of the night sky. I will work with this committee to develop legislation for the 2012 legislative session which achieves the objectives of Senate Bill 1493 and includes a financing plan.

For the foregoing reasons, I am returning Senate Bill No. 1493 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1354, transmitting his statement of objections to S.B. No. 1559, SD 2, HD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1559

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1559, entitled "A Bill for an Act Relating to Important Agricultural Lands."

The purpose of this bill is to provide incentives for designating land as Important Agricultural Lands ("IAL"). This bill requires priority processing of permit applications for agricultural facilities of an agribusiness which only processes crops or livestock produced on IAL. The bill also requires the public utilities commission to establish preferential rates for the purchase of energy that is used or consumed for agricultural activities on IAL.

This bill is objectionable because this measure may create implementation issues involving dispute resolution, monitoring, and compliance. Furthermore, additional consideration should be given to the overall development of agriculture and which agricultural activities deserve additional support through incentives or favorable treatment.

For the foregoing reasons, I am returning Senate Bill No. 1559 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 199, dated September 14, 2011, transmitting the Report on the Instance of Usage of Electric Guns prepared by the Department of Land and Natural Resources pursuant to Section 134-16(d), HRS.

**DEPARTMENTAL & MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER
THE ADJOURNMENT OF THE 2011 LEGISLATURE SINE DINE**

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 88 through 90) were received by the Clerk and were placed on file:

Dept. Com. No. 88, dated June 2, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report Management Audit of the Hawaii Public Housing Authority, pursuant to Section 23-9, HRS.

Dept. Com. No. 89, dated June 2, 2011, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the following audit reports as of June 30, 2010; administered by the Office of the Auditor as authorized by Section 8, Act 1, SLH 2009; conducted by the respective certified public accounting firms as noted; and funded through the Audit Revolving Fund, established pursuant to Section 23-3.6, HRS:

- Department of the Attorney General Financial Statements and Single Audit Report and Management Letter (Akamine, Oyadomari & Kosaki CPA's, Inc.)
- Department of Education Financial Statements and Single Audit Report (KPMG LLP)
- Department of Hawaiian Home Lands Financial Statements and Single Audit Report and Internal Controls and Business Issues Report (Accuity LLP)
- Department of Transportation
 - Administration Division Financial and Compliance Audit (CW Associates)
 - Highways Division Financial Statements and Single Audit Report (KMH LLP)
 - O'ahu Metropolitan Planning Organization Financial Statements and Single Audit Report and Management Letter (Gilford Sato & Associates, CPA's, Inc.)
- Hawai'i Public Housing Authority Financial Statements and Single Audit Report and Management Letter (KMH LLP)
- Hawai'i Community Development Authority Financial Audit (Ohata Chun Yuen, LLP)

Dept. Com. No. 90, dated August 18, 2011, from M.R.C. Greenwood, President, University of Hawaii System, transmitting the Report on the Security Breach at Kapi'olani Community College, University of Hawaii, pursuant to Section 487N-4, HRS.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 9 through 16) were received by the Clerk and were placed on file:

Misc. Com. No. 9, dated June 14, 2011, from Robert F. Willard, Admiral, U.S. Navy, acknowledging receipt of House Concurrent Resolution No. 134.

Misc. Com. No. 10, dated June 23, 2011, from Sadie Harris, Executive Assistant, NAACP Executive Offices, acknowledging receipt of House Resolution No. 115, H.D. 1.

Misc. Com. No. 11, dated July 18, 2011, from Secretary Antonino P. Roman, Head, Presidential Legislative Liaison Office, Office of the President, Republic of the Philippines, acknowledging receipt of House Concurrent Resolution No. 253 and House Concurrent Resolution No. 86.

Misc. Com. No. 12, dated August 18, 2011, from Jane Oates, Assistant Secretary for Employment and Training, U.S. Department of Labor, acknowledging receipt of House Resolution No. 72.

Misc. Com. No. 13, dated August 16, 2011, from Wayne Y. Yoshioka, Director, Department of Transportation Services, City and County of Honolulu, acknowledging receipt of House Resolution No. 163, and informing the House that a traffic study at the signalized intersection of the Mokuola and Hikimoe streets will be conducted.

Misc. Com. No. 14, dated August 31, 2011, from Wayne Y. Yoshioka, Director, Department of Transportation Services, City and County of Honolulu, acknowledging receipt of House Resolution No. 159, and informing the House that the request is being forwarded to the State of Hawaii Department of Transportation.

Misc. Com. No. 15, dated September 16, 2011, from Kenneth Toru Hamayasu, Interim Executive Director, Honolulu Authority for Rapid Transportation, transmitting in response to House Resolution No. 163, the results of a traffic and pedestrian study at the intersection of Mokuola and Hikimoe streets in Waipahu.

Misc. Com. No. 16, dated July 15, 2011, from Atty. Grace N. Andres, Deputy Secretary General, Office of the Speaker, Republic of the Philippines, House of Representatives, acknowledging receipt of House Concurrent Resolution No. 86 and House Concurrent Resolution No. 253.