

TWENTIETH DAY

Friday, February 15, 2013

The House of Representatives of the Twenty-Seventh Legislature of the State of Hawaii, Regular Session of 2013, convened at 12:09 o'clock p.m., with Speaker Souki presiding.

The invocation was delivered by Representative Kaniela Ing, after which the Roll was called showing all Members present with the exception of Representatives Har and Kawakami, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 17 through 23) were received and announced by the Clerk:

Sen. Com. No. 17, transmitting S.B. No. 48, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on February 14, 2013.

Sen. Com. No. 18, transmitting S.B. No. 198, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," which passed Third Reading in the Senate on February 14, 2013.

Sen. Com. No. 19, transmitting S.B. No. 423, entitled: "A BILL FOR AN ACT RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE," which passed Third Reading in the Senate on February 14, 2013.

Sen. Com. No. 20, transmitting S.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO THE ENHANCED 911 BOARD," which passed Third Reading in the Senate on February 14, 2013.

Sen. Com. No. 21, transmitting S.B. No. 1075, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," which passed Third Reading in the Senate on February 14, 2013.

Sen. Com. No. 22, transmitting S.B. No. 1079, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on February 14, 2013.

Sen. Com. No. 23, transmitting S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT MOTOR VEHICLES," which passed Third Reading in the Senate on February 14, 2013.

On motion by Representative Awana, seconded by Representative Fukumoto and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Har and Kawakami were excused.)

S.B. No. 48
S.B. No. 198
S.B. No. 423
S.B. No. 1001
S.B. No. 1075
S.B. No. 1079
S.B. No. 1230

KA HUA 'ŌLELO O KA LĀ
HAWAIIAN WORD FOR THE DAY

Representative Hanohano presented *Ka Hua 'Ōlelo O Ka Lā*, the Hawaiian Word for the Day, as follows:

"Mahalo ho'omalū 'ōlelo,
Ka hua 'ōlelo o ka lā – Kaleilehua.

Kaleilehua – The lehua blossom garland.

Ka – the, *Lei* – garland, *Lehua* – the Lehua blossom from our Ohia Lehua tree.

'O Kaleilehua Ka po 'o hope o ke komike nā waiwai moana a me nā mea Hawai'i.

Kaleilehua is the Vice Chair of the Committee on Ocean, Marine Resources, & Hawaiian Affairs.

Kaleilehua.

Mahalo."

INTRODUCTIONS

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

Representative Fale introduced his constituent, Mr. Inoke Funaki, Jr.

Representative Fukumoto introduced her intern from Beijing, China: Ms. Gu Muxuan.

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 1:02 o'clock p.m.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 445) recommending that H.B. No. 867, 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 Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANDATORY REPORTING OF FINANCIAL ABUSE OF ELDERS BY FINANCIAL INSTITUTIONS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 446) recommending that H.B. No. 1006, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1006, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY JUSTICE CENTERS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 447) recommending that H.B. No. 1022, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1022, HD 1 pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, seconded by Representative Awana.

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

"Mr. Speaker, I just want to express my reservations on this matter. On reading the Committee report, both the Department of Health and the Department of Human Services are in opposition. So those are my reservations. They are the agencies that take care of this particular matter and they are both in opposition. 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. 1022, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 448) recommending that H.B. No. 191 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 191, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 449) recommending that H.B. No. 1056, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1056, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 450) recommending that H.B. No. 453, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 453, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Awana.

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. 453, 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 Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 451) recommending that H.B. No. 1406, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1406, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Awana.

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

"Mr. Speaker, may I have a ruling on a potential conflict. I sit on a homeowner association. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

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

"Mr. Speaker, same situation, 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. 1406, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 452) recommending that H.B. No. 334 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 334, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Brower, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 453) recommending that H.B. No. 1340, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1340, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

Representative McDermott 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. 1340, 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 McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 454) recommending that H.B. No. 166, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 166, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 455) recommending that H.B. No. 726, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 726, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FILM AND DIGITAL MEDIA INDUSTRY DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 456) recommending that H.B. No. 1463, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1463, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 457) recommending that H.B. No. 1396, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1396, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JAPANESE AMERICAN EXPERIENCE IN HAWAII," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 458) recommending that H.B. No. 1392, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1392, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRESERVATION OF HAWAII'S MOVING IMAGES," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 459) recommending that H.B. No. 1380, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1380, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 460) recommending that H.B. No. 1354, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1354, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 461) recommending that H.B. No. 114, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 114, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 462) recommending that H.B. No. 1405, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1405, HD 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 463) recommending that H.B. No. 979, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 979, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 464) recommending that H.B. No. 170, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 170, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 465) recommending that H.B. No. 1440, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER EDUCATION," passed Second Reading and was referred to the Committee on Health, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 466) recommending that H.B. No. 1181, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1181, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 467) recommending that H.B. No. 131, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOBILITY MANAGEMENT," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 468) 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 Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 980, 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 Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 469) recommending that H.B. No. 1189, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1189, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 470) 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 Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Yamane, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 471) recommending that H.B. No. 1100, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1100, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 472) recommending that H.B. No. 986, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 986, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I would like to declare a potential conflict on foster care services. My wife and I were foster parents and we have become adoptive parents. I'm only going to make this one time for the entire session. So there it is. 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. 986, 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 Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 473) recommending that H.B. No. 1137, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1137, 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 Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 474) recommending that H.B. No. 1430, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1430, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 475) recommending that H.B. No. 1244 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1244, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 476) recommending that H.B. No. 1024 pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1024 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Awana.

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

"Just in strong support and I would like permission to enter written comments in the Journal."

Representative McKelvey's written remarks are as follows:

"This is a life-saving measure that deserves to be made permanent. Making permanent the liability protections afforded county lifeguards will enhance public safety by fostering a climate in which lifeguard services can be provided without fear of liability. The law has been in effect for the last decade, and since its first enactment in 2002, the Legislature has twice been convinced of the wisdom of extending such protection.

"Any need for a trial period has been exhausted, and the law should be made permanent. Passing this measure will help to protect the financial assets and reputation of county lifeguards who otherwise jeopardize both, in addition to their own health and safety, through their valiant rescue efforts."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1024, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 477) recommending that H.B. No. 484, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 484, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF TARO," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Belatti and Aquino, for the Committee on Health and the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 478) 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 Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Belatti and Carroll, for the Committee on Health and the Committee on Human Services, presented a report (Stand. Com. Rep. No. 479) recommending that H.B. No. 1432, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 1432, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGING AND DISABILITY RESOURCE CENTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Nakashima and McKelvey, for the Committee on Labor & Public Employment and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 480) recommending that H.B. No. 1459, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1459, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, on House Bill 1459, HD 1, I have written comments. I can assure you that this bill has no downside. It's a bill in progress. It reminds me of the Hawaii Hurricane Relief Fund when I was introducing that way back in 1994. Our colleague, the Representative from Kailua, called me the dreamer, but we were able to save over \$200 million which was used by this Body to balance the budget.

"I can now challenge everyone, and I will put my money where my mouth is just like way back in 1994. I'll give up my salary from now until we have passed this and implement the bill, but after we have implemented it I will take 5% of savings. Any takers, I'll sign it any time. Thank you, Mr. Speaker."

Representative Cachola's written remarks are as follows:

"I would like to take this opportunity to expound on the merits of HB 1459 and share with you some salient information.

"HB 1459, HD1 only covers the Hawaii Health Unfunded Liability. As of 2011, the Health UFL for the State of Hawaii was between \$15-17 billion. It's imperative that we do something about this because to do nothing to address the issue, Hawaii's Health Unfunded Liability will continue to grow over \$1 billion annually. It also can bankrupt the State of Hawaii like what has happened to other states in the US. As a result, Hawaii is not being looked favorably upon by non-profit organizations such as Pew, Barron's and the Institute for Truth in Accounting and this affects Hawaii's bond rating.

"Creating a captive insurance company is a tool in addressing our health unfunded liability. A 2001 report on the findings and recommendations on a potential captive insurance company by Hawaii's Insurance Division listed the advantages for having a captive insurance company. As an example, operating costs could potentially be cut by 5-25%. It would also have a positive effect on Hawaii's ability to have direct access to re-insurance.

"HB 1459, HD 1 is not a perfect bill and still remains a work in progress, and as we move along it will have the opportunity to evolve into a complete bill. There is no downside in establishing a captive insurance company in addressing Hawaii's Health Unfunded Liability.

"I urge all Members to please support HB 1459, HD1. *Mahalo Nui Loa.*"

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

"Mr. Speaker, I would join my colleague reminiscing about 1994 when we did pass this bill, because this bill really created an industry, one of the best kept secrets in the State of Hawaii. This is a \$10 billion industry. We are the second in the nation in terms of captive insurance. And I think we're going to go for international number one if we pass this bill and other things. But there's a billion dollars sitting in our banks locally because of bills like this. It's an excellent piece of legislation. Thank you."

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

"Mr. Speaker, in support with the only concern that I hope the Committee on Finance will also look into the legislation in regards to OPEB Trust Fund as another combination of addressing the unfunded liability of our health fund. Thank you."

Representative Cachola rose to respond, stating:

"Mr. Speaker, in response to the statement made by Speaker Emeritus Calvin Say, there are provisions in the bill that take care of that. We have created reserve funds under this bill, HB 1459, one to take care of the unfunded liability contribution, and OPEB funds.

"Right now the only contributors to this are the counties. They have \$300 million in the 'kitty.' State, zero. And that's the reason why we have been maligned, because of the way we handle our unfunded liabilities. Speaker Emeritus, it's taken care of. 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. 1459, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Nakashima and Belatti, for the Committee on Labor & Public Employment and the Committee on Health, presented a report (Stand. Com. Rep. No. 481) recommending that H.B. No. 891, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 891, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION DRUGS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 482) recommending that H.B. No. 837, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 837, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I rise in strong opposition to House Bill 837, HD 1. This measure will run most small ethnic money transmitters out of business, create and protect monopoly, resulting in increased fees to the public and greater inconveniences to find a money transmitter. Please help protect small businesses, Members, and kill this bill.

"We were promised a new beginning, especially for small businesses in the State, but instead House Bill 837 is killing off locally owned small businesses in favor of giant multinational companies and foreign conglomerates.

"HB 837, HD 1 would ruin the small businesses in Kalihi, Waipahu, Lahaina, Lihue and Hilo. Small businesses would have to pay huge deposits and pay unlimited fees and penalties for the investigation of complaints and enforcement of regulations.

"HB 837 is supported by big banks and money institutions that are charging huge transmitting fees even for small transmissions of money. Right now the fees are very small, Mr. Speaker, but I'm sure that once we pass HB 837, the fees will no longer be the same.

"HB 837 amends the Money Transmitter Act, Chapter 489D that we passed a couple years ago, that increases the fee structure to amounts unaffordable by small businesses. This overregulation is uncalled for, as there have not been any notable complaints about this industry, and only one lobbyist supports it. We must stop empire building at the DCCA at the expense of the over-burdened small businesses who are forced to pass the fees onto the poor immigrant clients.

"The problem with this type of insidious taxing of the consumers is that it builds bigger and bigger government without any benefit or protection to the public. The DCCA is well known for building empires in government and even in so much as bought an entirely new office building to move into with all the money they squeezed out of small businesses. The jobs they are creating are then given to political supporters and contributors.

"This bill must be killed, Members, as it is hurting the most vulnerable residents among us. Newly arrived immigrants who have limited income and cannot afford to send a large amount of money at one time. In addition, they have many relatives in the old country who are living hand to mouth, so they must frequently send money to their families back home. It's an onerous requirement and will effectively eliminate all the small businesses in money transmitting, thus creating a monopoly for big businesses. This bill is for overregulation that will result in higher fees without any protection for the public. I have more to say, Mr. Speaker, but I will put that in the Journal. Thank you."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise to oppose HB 837, HD 1. HB 837, HD 1 will run most small ethnic Money Transmitters out of business, and create and protect monopoly resulting in increased fees to the public and greater inconvenience to find a money transmitter.

"Please help protect small businesses and kill this bill. We were promised a new beginning especially for small businesses in the State, but instead HB 837 is killing off locally owned small businesses in favor of giant multi-national companies and foreign conglomerates.

"HB 837, HD 1 would run the small businesses money transmitters out of business by erecting huge barriers to entry and expenses operating in Hawaii. Small business would have to pay huge deposits and pay unlimited fees and penalties for the investigation of complaints and enforcement of regulations. HB 837, HD 1 is supported by big banks and money institutions that are charging huge transmitting fees even for small transmissions of money.

"HB 837, HD 1 amends the Money Transmitters Act, chapter 489D, Hawaii Revised Statutes, that increases the fee structure to amounts unaffordable by small businesses. This over-regulation is uncalled for as there has not been any notable complaints about this industry and only one lobbyist supports it.

"We must stop empire building at the DCCA at the expense of the over-burdened small businesses who are forced to pass the fees onto the poor immigrant clients. The problem with this type of insidious 'taxing' of the consumers is that it builds bigger and bigger government without any benefit or protection to the public.

"The DCCA is well-known for building empires in government and even in so much as bought an entirely new office building to move into with all the money they squeezed out of small businesses. The jobs they are creating are then given to political supporters and contributors.

"This bill should be killed, as it is hurting the most vulnerable residents among us. Newly arrived Filipino immigrants who have limited income and cannot afford to send large amounts of money at one time. In addition, they have many relatives in the old country who are living hand to month so they must frequently send money to their families back home in smaller amounts.

"HB 837, HD 1's onerous requirements will effectively eliminate all the small businesses money transmitters, thus creating a monopoly for big business. HB 837, HD 1's over regulation will result in higher fees without any protection to the public. Poor immigrants, especially Filipino and Hispanic, sending money back home, will be hurt the most.

"I vigorously opposed the bill on behalf of the immigrant and low-income community. There have not been any complaints, so why is this bill needed? It is a thinly veiled excuse to create a monopoly by big business and foreign corporations while wiping out locally owned small businesses using consumer protection as a false pretense. It takes the immigrant community a little time to digest all that is evolving on this issue, but when they do, there will be a price to pay.

"Please kill HB 837, HD 1. This over regulation will only create a monopoly for big businesses and jack up the costs of sending money and hurt small businesses."

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

"Mr. Speaker, I'd like to register no vote on the same measure and I would like the articulate, erudite comments of my colleague from Ewa Beach inserted as if they were my own. Thank you."

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

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

"Mr. Speaker, a no vote and a brief comment. Mr. Speaker, there are references on the Floor to the working families of the State of Hawaii. They're also working entrepreneurs, those people who are just making enough money to survive, and in this economy sometimes survival is success.

"The two Members from Ewa Beach who know this front and center, real and not imagined, can see this is almost an anti-immigrant bill. Because that's where the fees are going to be passed on to. This is not a policy that we should be proud of. It shouldn't be a policy for our small entrepreneurs, and particularly if it affects a particular ethnic group in a particular region. 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 Cachola rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I haven't really read this bill but that's why I'm voting with reservations. As we go through the session and discuss this, I will fully understand what it's all about and I will cast a no vote or a yes vote at that time."

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

"Thank you, Mr. Speaker. I read the bill and I appreciate the words from the Representative from Waipahu, and I'd like to vote no, Mr. Speaker. Thank you."

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

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

Representative Fale rose in opposition to the measure and asked that the remarks of Representative Ward be entered into the Journal as his own, and that his written remarks be inserted in the Journal, and the Chair "so ordered." (By reference only.)

Representative Fale's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 837, HD1. The Chair of the Committee on Consumer Protection & Commerce commented that this bill supports, 'effective enforcement of the Money Transmitter Act.' I agree that it is important to properly regulate money transfers from Hawaii to locations outside of Hawaii.

"The Committee Chair noted his concern for how this will impact small businesses. In an earlier form, this bill sought to more than double initial application fees and annual renewal fees. This is a problem, because any increases to fees will ultimately be passed on to the consumer. People that need to use these types of money transfer services are most often rushed for time and they have limited options. Finally, this bill will directly impact minority working class people who regularly send money back to their families that live outside of the United States. This is an unnecessary hardship to people who are struggling to make ends meet in our State.

"Mr. Speaker, for these reasons, I am in opposition to House Bill 837, HD1."

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

Representative Oshiro rose in opposition to the measure and asked that the remarks of Representative Cabanilla 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. 837, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Fale, McDermott, Oshiro and Tokioka voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 839, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 839, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

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

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

"Mr. Speaker, on Standing Committee Report Number 483, a vote with reservations, please, 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. 839, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," passed Second Reading and was referred to the Committee on Finance, with

Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 1194, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1194, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBCONTRACTORS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 329 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 329 be referred to the Committee on Finance, seconded by Representative Awana.

Representative McDermott 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. 329, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 893 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 893, entitled: "A BILL FOR AN ACT RELATING TO THE DIETITIAN LICENSURE SPECIAL FUND," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 1149, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1149, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WIND ENERGY FACILITIES," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 843, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 154, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 154, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL HEMP," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 838, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 838, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

Representative Fale 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. 838, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Fale and McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 24, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 24, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

Representative Ichiyama 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 do work with condominiums. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 24, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 485, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 485, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 1263, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 1263, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Finance,

with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 148, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 148, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 360, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 360, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, ruling on a conflict of interest. My brother is a councilman for County of Hawaii," 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. 360, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 369, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 369, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE SAFETY," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 853, as amended in HD 1, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 853, HD 1 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I rise in support with grave reservations. Mr. Speaker, in Judiciary we had the opportunity to question the Attorney General on this matter. Some of my colleagues agree with me, but because we're coming at it from two different perspectives, some on the 'left' are not comfortable, some on the 'right' are not comfortable. I'm not comfortable because this, as I understand it based on the questioning, this sets up a mechanism where we can fund preschool and we can have private preschools. In order to do that we need a constitutional amendment.

"So, sensibly the Catholic schools could participate. So then I began to ask the Attorney General, if that's the case, can we have a nun teach the class, wearing her habit? The answer was no. If it takes place in the Catholic schools on the Catholic school campus, do they have to remove the crucifixes from the classroom? The answer was yes.

"We're amending the Constitution to allow this to go to private schools, but we're not including a religious exemption amendment where it can go to religious institutions. It's kind of like a half-baked voucher, if you will. It's not all the way there, but the parents have a choice.

"So if the parents want to take their child to St. Anthony's or they want to take them to Seagull School or whatever, it's up to the parent, they have a choice under this proposal. The school though, if they want to receive this, has to stop doing what makes them special. We're saying it's okay to take your child to a Catholic preschool, provided we take the Catholic out of the preschool.

"That's what makes a Catholic preschool special. That's why parents, whether it's Catholic, Baptist, Jewish or a Buddhist preschool. That's why they send their kids there, to get that religious inculcation. We're saying, 'well you can teach them the ABC's but the other stuff, you can't,' and we have to amend the Constitution anyway to do that, because it is a private institution.

"So if we're going to do it, Mr. Speaker, let's do it right. Give the parents a choice. It's not K through 12, it's preschool. And if they want to take that and go to a religious institution, it's already private, we're amending the Constitution anyway, let's let them do that. This is a friendly and supportive suggestion.

"My other fear is that if we don't do that, two things are going to happen. One, the Catholic schools won't participate. I know there's a limited participation through the Open Doors Program, but this will get very sticky. Because it will be so big, we will have lawsuits. We have one fella who likes to come around here occasionally. He will be all over monitoring those schools, I can assure you. We're asking for trouble, Mr. Speaker.

"So let's make it a full blown constitutional amendment, where the parents can choose. If they want a religious education for their child in preschool to teach them values that the parents agree with, let them do that. If they want a secular education, let them do that. It's up to the parents. The parents aren't being forced, they have a choice. So that's a friendly, encouraging, positive recommendation to move this measure forward, Mr. Speaker. Thank you, sir."

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

"Mr. Speaker, ruling on a conflict of interest. I'm the president for an organization that has a preschool," and the Chair ruled, "no conflict."

Representative Jordan 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 rise with reservations on HB 853, HD 1. This bill would create a constitutional amendment to permit the use of public funds for private early school education programs. While the bill has a noble goal of helping expand access to educational programs, I am wary about the potential impact on schools that may have a religious affiliation, such as many of the schools in my district, including Aiea Hongwanji Preschool.

"The Attorney General has submitted testimony confirming that affected schools would have to agree to not attempt to influence students through acts like prayer sessions. Because I believe in the autonomy of private schools, and have workability concerns with this bill's implementation, I will be voting with reservations."

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

"Ruling on a possible conflict of interest, Mr. Speaker. My wife is the president of a parent-teacher association of St. Anthony's School," and the Chair ruled, "no conflict."

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

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

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

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

"Mr. Speaker, ruling on a potential conflict. I'm a board member of St. Clements Preschool. 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. 853, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 864, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 864, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, ruling on conflict of interest," and the Chair ruled, "no conflict."

Representative Fale 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 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 864, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 251, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 251, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 914, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 914, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OBESITY PREVENTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 79, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 79, HD 1, 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, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 654, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 654, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Awana.

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

"Thank you, Mr. Speaker. Everybody knows I'm a nurse, but I'm no longer a practicing nurse so I don't have to ask for a ruling on potential conflict. But I do want to express my strong reservations for this measure.

"Two years ago, we passed the Center for Nursing, and that measure that we passed caused an increase of licensing fees to the nurses. Now we're passing another measure for sharing data with DCCA. Undoubtedly, Mr. Speaker, you know what's coming next. That would be the increase in licensing fees. 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. 654, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 658, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 658, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 266, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 266, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 576, HD 1 be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 576, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 651 be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 651, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PRESCRIPTIONS," was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 676, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 875 be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 875, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING," was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 111, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 111, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

Representative McDermott 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. 111, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABLE ALTERNATIVE BUILDING CODE," was referred to the Committee on Finance, with

Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1150, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives McKelvey and Rhoads, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 1342, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEBT COLLECTION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 902, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 902, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I'm going to register a no vote. This appears to me to be just another attempt to grab a couple of bucks. We're missing a few loose bottles and cans and, my gosh, we've got to get that money for those few that we're missing. It just goes to the mentality of our entire government, the executive branch. We don't have a revenue problem, we have a spending problem. And so I will say no."

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

"Mr. Speaker, in opposition. In the Committee hearing when we were discussing this bill, the sample that was brought in, in discussion in that Committee, was a representation of a beverage that is mostly consumed by young working people. That's exactly who I do not want to take more money from. Because this measure would further take away money from working members of our community, I cannot support this bill, Mr. Speaker."

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

"In support with reservations. I want to note that I did oppose this bill before and noting the same concerns and echoing them of my caucus members. I do have concerns about the increase in cost of living, but I think the draft has gotten progressively better and has narrowed the scope of who it applies to. So, I appreciate the amendments made to it in Committee. Thank you."

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

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

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

Representative Fukumoto's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 902, HD1. This bill encourages the expansion of the Deposit Beverage Container Program, which has existed since 2005. I believe our efforts will be better served if we focus on curbside recycling. In fact, the district I serve was a pioneer in that recycling movement two decades ago, and many of my constituents do not see their 5 cent deposit returned to them because they do curbside recycling. Therefore, I do not think it is in the best interest of my constituents to further expand the deposit beverage container fee to include new types of containers. 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 DEPOSIT BEVERAGE CONTAINER PROGRAM," was referred to the Committee on Finance, with Representatives Fale, Fukumoto and McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 1484, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1484, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Thank you, Mr. Speaker. I'm standing with reservations. First, Mr. Speaker, I would like to note that as the former Chair, I understand what the current Chair is going through on dealing with this very emotional issue, dealing with the Hawaii Health Systems Corporation and the various issues regarding home rule, what's the centralized rule regarding the health systems.

"So very briefly, Mr. Speaker, I would like to just go over some of the concerns that I do worry about as this measure progresses. I am confident that the Chairs will address all these concerns, but I did want to highlight it because many of our colleagues have to deal with the constituencies back home. Especially as this issue may seem to be initially a neighbor island issue, Mr. Speaker, however, there are impacts to those on Oahu.

"Some of the concerns that I have, Mr. Speaker, is that there are going to be changes in which the corporation would be now allowed to review, approve and reject the recommendations both for planning, as well as corporate fiscal issues. So now what will happen is, Mr. Speaker, the regional boards will now have to convince the corporate board in order to move forward for issues addressing their specific island and their specific constituencies.

"Mr. Speaker, also in this measure, there is language in here that allows them to enjoy a full immunity from suit, Mr. Speaker. So that means they'll have a sovereign immunity available to the state as well.

"Also, Mr. Speaker, I would like to express some concerns as this bill moves forward. This new corporation will actually have some quite extensive fiscal powers, now. Mr. Speaker, now this system can develop, from time to time, and actually sell securities, Mr. Speaker. Also, the financial gains from these securities can be put into their own separate bank accounts. And this depository of this section shall be secured manner.

"Mr. Speaker, some of the other concerns I have, and I know it's an issue depending from where you are and how you address these issues, is who has the overriding governing authority to decide what is best for the

islands. Mr. Speaker, years ago you were actually directly involved in the development of the current regional system.

"Mr. Speaker, I just want to express these concerns, not to say that I'm against moving forward in the health care, but some of these decisions were intentionally brought on behalf of our colleagues and former colleagues, so that our areas, our communities, can have direct impact on not only the quality of care, but the breadth of care, Mr. Speaker. And I do not think that it should be an Oahu-based corporation, or any corporation that determines the needs as well as the funding and priorities of every community. Thank you, Mr. Speaker."

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

Representative Woodson 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 very much, Mr. Speaker, with reservations. I would like the words of the Chair of Transportation entered into the record as if they were my own and just a quick, brief comment, if I may.

"Your Committee was looking to defer this measure, however at the request of the Health Chair, we wanted to afford her more time to work with the parties to see if there's something to be done to resolve these situations. You note the Committee report, we do have grave concerns of moving this measure forward, but we believe that we should give them the opportunity to try to work on the concerns that were raised by the Chair of Transportation and others, to see if we can find some win-win in this situation."

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

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

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

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

Representative Fale 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 with reservations, stating:

"Reservations with a few comments, please. I appreciate that the previous Health Chair and also the current Health Chair really understand that, and I believe that what they're saying is that there needs to be some changes. In the current form of the bill, the way it's written there are a lot of problems with it that were articulated by the former Health Chair.

"But I want to go on the record to say that status quo right now is not working for us, and that maybe this vehicle as it moves forward will give us an opportunity to really address what's happening at the corporate board level and the regional board level. It may be a vehicle to help us figure out how we create a system where decisions are made, people are accountable, there's transparency, that the local regents can have an opportunity to express themselves. But at a corporate level we can gain efficiencies, we can find a way to make this system, which is a statewide system of healthcare, we've got to make it work. I'm glad that it's still moving forward, but clearly there are a lot of problems. Thank you."

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

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

"Thank you, Mr. Speaker. Reservations and just some brief comments. It is our safety net, the healthcare corporation, and I just don't see how this is good for our *keiki* or our *kupuna*. 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. 1484, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Evans, for the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 106, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 106, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Evans and Wooley, for the Committee on Water & Land and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 488, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 488, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Evans and Wooley, for the Committee on Water & Land and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 846, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 846, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OWNER-BUILDER EXEMPTION," passed Second Reading and was referred to the

Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 190, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 190, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRUANCY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 478, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 478, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Takumi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 674, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 674, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Tsuji, for the Committee on Economic Development & Business, presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 566, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Lee and Wooley, for the Committee on Energy & Environmental Protection and the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1409, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1409, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

Representative McDermott 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 Committees was adopted and H.B. No. 1409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Second Reading and was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Lee and Belatti, for the Committee on Energy & Environmental Protection and the Committee on Health, presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 912, as amended

in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 912, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, a no vote on this one. It appears to be loaded with a whole bunch of fees. Thank you."

Representative Fale 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 Committees was adopted and H.B. No. 912, 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 Fale and McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 1375 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1375, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 788 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 788, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 533, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 533, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

Representative Jordan 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 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. 533, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 1298 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1298, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Carroll and McKelvey, for the Committee on Human Services and the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 780, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 780, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGAL SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 443, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 443, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Thank you, Mr. Speaker. I just wanted to ask for a ruling on a potential conflict. My wife is a registered lobbyist. Thank you," and the Chair ruled, "no conflict."

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

"Mr. Speaker, can I have a ruling on a potential conflict. My wife is a registered lobbyist," 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. 443, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 793 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 793, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC,"

passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1278, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1278, HD 1 be referred to the Committee on Finance, seconded by Representative Awana.

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

Representative Fale 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. 1278, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," was referred to the Committee on Finance, with Representatives Fale and McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 236, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 236, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 411, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 411, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Awana.

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

"Mr. Speaker, I have to declare a conflict. I'm a devout Catholic and a member of the Knights of Columbus. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

Representative McDermott continued to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. Mr. Speaker, sexual assault is a serious crime. As a father of two daughters, I don't even want to contemplate that action. I certainly would support stronger measures for those who commit these heinous crimes. In fact, I would be the first one to sign legislation calling for chemical castration of these perpetrators.

"But back to the issue at hand, Mr. Speaker. This deals with emergency contraception, and good people can disagree. We have a lot of good people in here and we have different viewpoints. But, Mr. Speaker, this is a violation of the First Amendment, which I'd like to read here:

'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;'

"The comma and semicolon are very important because they mean it's an independent thought – 'or prohibiting the free exercise thereof.'

"Now, Mr. Speaker, we have the Hawaii Catholic Conference in opposition to this because Catholic Church doctrine is that at conception – not implantation, conception – it's a human life. That's their belief. You can disagree with it, you can pooh-poo it. We're all entitled to our opinions because the First Amendment guarantees that. But here we are forcing our views upon the Catholic Church.

"Now I know there are times when, if I wanted to go in my backyard tomorrow and start my own religion and take peyote, invite some of the neighborhood kids around and call it a religion, government would say, 'you know what, that's not really a religion.' But this is one of the world's largest religions with a longstanding doctrine. And we are telling them, this is what you must do. This is what you must do.

"Requires, requires that Catholic hospitals offer emergency contraception."

At 1:52 o'clock p.m., Representative McDermott requested a recess and the Chair declared a recess subject to the call of the Chair.

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

Representative McDermott continued, stating:

"Mr. Speaker, point of inquiry, can you tell how much time I have left? I lost track. Can the Clerk tell us how much we have?"

The Chair then stated:

"Two minutes."

Representative McDermott continued, stating:

"Mr. Speaker, I'll get somebody to yield three of their times, just let me say what I want to say and I'll be done or else I'll filibuster. I've been a good boy today, I haven't talked too much. Thank you, Mr. Speaker, you are a gentleman. Mr. Speaker, I understand St. Francis is no longer 'in the business.' I'm not sure exactly what their relationships are with the remaining institutions, but I know they can't be involved in this.

"But, Mr. Speaker, our healthcare system is in tough shape. We've got some good people working on it, Healthcare Chair's working on it. But if we pass this measure, Mr. Speaker, we are prohibiting ourselves from ever entertaining a Catholic hospital coming into the market. We're telling them, you can't come in. They will not come in. The Hawaii Catholic Conference is against this bill. The Hawaii Catholic Conference, Mr. Speaker, as you know, means the Bishop is against this bill. That's what it means.

"Why is he against it? Does he dislike women? Of course not. Because it violates Catholic doctrine. This is about religious liberty, Mr. Speaker. Mr. Speaker, would we require a Jewish hospital to install pig valves when they do heart procedures? Of course not. We wouldn't do that. That's religious liberty, Mr. Speaker. Now, Mr. Speaker, I understand that this could be a problem on some of the neighbor islands, particularly if the only hospital over there on the neighbor island was a Catholic hospital, and there are concerns.

"So what good people do, is they get together with Planned Parenthood and they say, 'we've got a problem over here. Let's establish a consortium of doctors and let's set up a system where we can go and get this information out, where these people who want to get this emergency care can.'

"Mr. Speaker, I run a nonprofit. This would be an absolutely enticing fundraising opportunity for Planned Parenthood to go and serve those underserved areas. But don't trample on the religious freedom, the religious liberty of the Catholic Church or any other faith. We can't mandate them to do these things. By putting this out there, we're telling them, Hawaii is closed for business to the Catholic churches or hospitals."

The Chair addressed Representative McDermott, stating:

"Representative, will you please limit yourself to the civil liberties, and not mention the church. Thank you very much."

Representative Say rose to yield his time, and the Chair "so ordered."

Representative McDermott: "Thank you, Speaker Emeritus. Mr. Speaker, we are telling the world that Catholic hospitals are no longer welcomed in Hawaii."

Speaker Souki: "Representative, please refrain from using the name of the church. This is a basis of civil liberties that can affect all people and not only the Catholic Church. Please proceed."

Representative McDermott continued, stating:

"Mr. Speaker, I appreciate your comments and concern. I'll just point out that the Hawaii Catholic Conference does not support this measure. The Hawaii Catholic Conference is the Catholic Church. But, Mr. Speaker, we are guaranteed freedom of religion. This is a religious liberty issue. We see it as a national issue. We're doing it here, Mr. Speaker. We're telling these religious institutions that they're not welcome if their beliefs are different than ours. We can't do that, Mr. Speaker.

"America was built on religious liberty. That's why the first settlers from Europe came here, to escape religious tyranny. Now we're coming in and saying, well our secular beliefs trump whatever you believe. That stuff you guys believe, that's fairy dust. We don't, wink-wink, nod-nod, we don't take it seriously.

"Some people do, Mr. Speaker. And we can disagree with them. But it's the doctrine of their faith. It's the doctrine of their faith and I take them very seriously. Just as I take the other folks seriously who have a different point of view in this issue. And they can have a different point of view, but don't force your viewpoint and infringe, infringe upon the religious liberty of a long established organization with a long held doctrine. It's outrageous and I am insulted. Thank you, sir."

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

"Thank you, Mr. Speaker, in strong support. Mr. Speaker, when I look at this bill, it's about emergencies. It's about emergency rooms. It's about what happens when a woman has an emergency. Maybe we wouldn't have this experience if when a man gets raped, he has an opportunity to get pregnant. And the reason I say that is because I do believe that women, they understand that if they're sexually assaulted and there's penetration, that in fact, they could get pregnant. And if they're sexually assaulted and raped, it's an opportunity to go to an emergency room and say, I need help. I need a lot of help.

"One of the things that may come up is that they're concerned about possibly getting pregnant. I do not believe that people are saying in this type of bill, that it's religious. It's like, you go to an emergency room, they're there to help people. If a woman says, 'I've been raped and I want to prevent a potential pregnancy,' I believe this emergency contraception should be provided. I believe that the man, and I'm going to repeat it again because I can be as emotional as the previous speaker and raise my voice and say I'm insulted by what he said, but I'm telling you that being pregnant changes your life forever. And having, you should be doing it because you want it, but also maybe it's an accident with someone you love, that you're doing it with someone.

"But rape and that whole experience, and just this opportunity which is a very short, maybe it's only within 12 hours, it's a very short time, that prevents the semen to get to where it needs to go to implant in the uterus. It's a very short time frame. It's very critical, the timing of it. I think our emergency rooms need to recognize that it's an emergency for this person.

"And so I feel very strongly about this issue and I don't know why we keep bringing it back and back and back, but we do. But I think it's time that we move this forward and be compassionate. Thank you."

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

Representative Fukumoto's written remarks are as follows:

"Mr. Speaker, I rise in opposition to House Bill 411, HD1 because, among other concerns, I am worried that it could limit emergency care options for Central Oahu residents.

"In August of 2012, St. Francis Healthcare System of Hawaii and The Queen's Health Systems finalized a deal to reopen the former HMC West emergency room. In their testimony, the Hawaii Catholic Conference explained that 'the legal relationship between Queens and St. Francis is governed by a contract binding them to operate the hospitals in a manner consistent with Catholic ethical and religious directives.'

"Contrary to comments made by this bill's proponents, the most recent (2009) 'Ethical and Religious Directives for Catholic Health Care' maintains their long-standing policy of disallowing Catholic hospitals from administering emergency contraceptives. In its entirety, Directive 36 states:

'Compassionate and understanding care should be given to a person who is the victim of sexual assault. Health care providers should cooperate with law enforcement officials and offer the person psychological and spiritual support as well as accurate medical information. A female who has been raped should be able to defend herself against a potential conception from the sexual assault. If, after appropriate testing, there is no evidence that conception has occurred already, she may be treated with medications that would prevent ovulation, sperm capacitation, or fertilization. It is not permissible, however, to initiate or to recommend treatments that have as their purpose or direct effect the removal, destruction, or interference with the implantation of a fertilized ovum.'

"Advocates of this bill have, perhaps inadvertently, utilized the initial sentences of this directive to state that the Catholic directives have changed to allow emergency contraceptives. However, while many studies have shown that levonorgestrol-only emergency contraceptives do not prevent implantation, the FDA has not yet reclassified this drug, and therefore, it would still be disallowed under the guidelines governing hospitals that operate on St. Francis Healthcare System of Hawaii's properties.

"Furthermore, the bill is not limited to levonorgestrol-only emergency contraceptives like Plan B. Newer emergency contraceptives, like Ella, have not been studied to the same extent and less is known about their effects on implantation.

"Passage of this measure could place our hospitals in a position to choose between violating their directives or paying fines for noncompliance. Either alternative could threaten their ability to operate a much-needed hospital with emergency services for the Central and Leeward Oahu communities. Providing an exemption in the measure for religious providers would help avoid this problem and still address many of the concerns that proponents of the measure have raised about access to emergency contraceptives for assault victims. Currently, this measure does not contain such an exemption and could limit emergency care options for my constituents, and for that reason, I am voting no on this measure. Thank you, Mr. Speaker."

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

"I rise in opposition, Mr. Speaker. Mr. Speaker, I've had some long discussions with members of Planned Parenthood regarding this bill. I'm familiar with a number of different cultures across the world, as well as the history of my own ancestry, when they came to the United States in the early 1600's to escape religious persecution from their homeland. And it's a founding principle and a driving reason of why I felt, not only the need, but the duty, to become a member of the United States Armed Services to fight for, and if necessary, lay my own life down for the right of others to live according to their dictates of their own conscience.

"I'm not Catholic. I don't hold the same beliefs as other members of my community regarding this. I would want this service available for my little sisters, my mother, my wife, if the case were to arise. I believe it's a good and valuable service to be made available to the public, but that's my own personal beliefs.

"And this benefit, this act of healthcare, I would never purchase, I would never purchase at the cost of having somebody else sacrifice or act against what their own conscience tells them is right or wrong. Even if I were to severely disagree with their position in regards to that issue. Like they say, I may disagree with what you have to say or what you do, but I would defend to death your right to do it.

"I don't agree with the reasons that the Catholic Church is in opposition to this. But for that same reason, I would defend to the death their right to act in according to the dictates of their own conscience. As the same for anybody here. I would never ask, and I would never purchase any benefit or any service for me, my family or anybody else, at the cost of having somebody else sacrifice a fundamental core belief of what their conscience tells them to do.

"It is a founding principle of why I am as proud as I am to be an American, is because I believe that's what America stands for. Is that, never in this country will you ever be forced to do anything against your conscience, because that is the freedom we believe in. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm in favor with reservations, Mr. Speaker. First I want to mention that I'm Catholic. But I'm one of those that, what my colleague in Ewa Beach says, that some respectful people will disagree.

"I have not been assaulted, Mr. Speaker, but I know how other women that have been assaulted feel. I have been in this Chamber for nine years and I have heard this discussion over and over again. The way I read the bill it says, 'required to offer.' That doesn't violate anybody's rights, Mr. Speaker. You are required to offer. The person has the right to refuse or accept it. And I believe it's the right of that woman to make that decision, whether she wants to accept that pill or not.

"Technology has changed. It's no longer an abortion pill, Mr. Speaker. It's just a pill that can change the pH of somebody's womb. It's no longer an abortion pill. It's just like any other pill that has an impact to a woman's reproductive organ, but not to kill a fetus or a fertilized egg, Mr. Speaker.

"My only reservation is that, I have a constituency in Ewa that needs a hospital, and that's what's stopping the Catholic Church from relinquishing the hospital or impairing the next buyer to impose their belief. That's my only reservation, because my constituents need a hospital there, Mr. Speaker. Thank you."

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

"Mr. Speaker, with reservations. I know this has been a long issue. I feel for the Chair, but I'll be going with reservations. 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 HB 411, HD 1. While I deeply sympathize with victims of sexual abuse and assault and fully support the disclosure of medically accurate information by hospitals to their patients, I am concerned that this measure does not offer the necessary flexibility, particularly for religious medical institutions. Because this bill lacks a religious exemption clause and a professional conscience clause, it may

force all hospitals to provide services that may not be in line with their mission, beliefs or philosophy.

"Particularly at a time in our State when medical services are in dire need, we should be careful not to potentially limit or dissuade healthcare providers, particularly those with religious affiliations, from entering Hawaii and providing these much-needed services to Hawaii residents. This measure is well intended, but it may lead to unforeseen consequences of reducing medical care options and access for the State of Hawaii."

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

"Mr. Speaker, a no vote with a brief comment. Déjà vu all over again, Mr. Speaker. It even predates the captive insurance issue, that was 1994. Mr. Speaker, the problem has been that each side has dug in their heels and said, 'hey we're not going to budge on this one.' So I propose a timeout, let's take a deep breath, let's let the proxy battle that's going on at the national level between ObamaCare and the Catholic Church throughout the United States, who are fighting this back and forth. Let them settle it and then we will follow. In the meantime, I just don't think that we're going to break this deadlock that's been going on for the last couple of decades. Thank you."

Representative Takai rose and asked that the Clerk record an aye vote with reservations for him, 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 Belatti rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I'm going to reserve most of my comments for Third Reading, as this is only Second Reading, but I did want to respond very briefly to two statements made earlier. I would like to note for the record that over 200 Catholic hospitals in the United States today provide emergency contraception to rape victims. So this notion that a Catholic hospital could not do that is false.

"Secondly, according to the Ethical and Religious Directives for Catholic Health Care Services, Directive 36, 2001. This is the language from the Catholic Ethical Religious Directives: 'If, after appropriate testing, there is no evidence that conception has occurred already, she, 'the rape victim, and let me emphasize, Mr. Speaker, this is the rape victim, 'may be treated with medications that would prevent ovulation, sperm capacitation, or fertilization.'

"I would note, Mr. Speaker, that on subsection C of page 4, that very option is recognized in this bill where it states: 'No hospital shall be required to provide emergency contraception to a sexual assault victim who has been determined to be pregnant through the administration by the hospital staff of a pregnancy test approved by the US Food and Drug Administration.'

"I did not think that we would be discussing religious directives, but clearly, our bill, this bill before us, respects the religious beliefs of those in our communities. Thank you."

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

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

"Thank you, Mr. Speaker, in support. I just want to make a few short comments. Thank you. I want to emphasize that this is a legacy of a former Representative of ours, Marilyn Lee, who has worked tirelessly for years to try to help push this through. The House has failed her year after year. So I'm very hopeful that this year we will be able to meet her expectations.

"I just want to say one other thing that has bothered me since this last year, and there are men on the Floor who have made comments that no one has the right to force someone to do something they don't want to do. Or, forcing your views on someone's religion is not acceptable. Well, the problem is, there are men who force themselves on women. They are victims, and we're trying to make sure they have medical advice so that they don't end up in a situation that everybody regrets. *Mahalo*."

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

"Mr. Speaker, I stand in support. I think there's been a lot of discussion about this bill. If you look at the legislation as it is currently drafted, what it states is that if an individual is sexually assaulted, specifically if a female is sexually assaulted, it gives that individual the choice of taking specific contraception. So, what the contraception actually does is, it makes the womb what's defined as 'hostile.' So what that means is, for a period of about five days, it makes it so that womb builds up a mucus, there and by any sperm that's in the system cannot attach to that uterus. That is the science behind it.

"Now, I am a very religious man, and I know that if you believe in God as I do, if God for whatever reason in his master plan wants that unification to transpire, it's going to happen regardless. If God could part the seas, if he wants this to transpire, to move forward, it will happen. So again, it's a choice for sexually assaulted victims to have the option, if they so want to, to take this contraception. And I just wanted to provide some clarity as for when we move forward on this measure to continue the discussion."

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

"Thank you, Mr. Speaker, I'll be voting with reservations. I have a lot of problems with this bill. I don't know how tight the provisions are in this bill. Like for example, there is an assault, it happened several days ago, and then they go to the hospital and say, I was assaulted. Is it to be the same day as the assault happened that you are going to get contraceptive pills? This bill has still a lot of work to be done, because they can always say, I'm assaulted and then what. So it's got to be tight, who is going to enforce it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOSPITAL EMERGENCY COMPASSIONATE CARE FOR SEXUAL ASSAULT VICTIMS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Fale, Fukumoto, Johanson and McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Hanohano, for the Committee on Ocean, Marine Resources, & Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 224, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 224, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE IMMERSION PROGRAM," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 482, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 482, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Wooley and Evans, for the Committee on Agriculture and the Committee on Water & Land, presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1471, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committees be adopted, and that H.B. No. 1471, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Awana.

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

"Mr. Speaker, with reservations and a brief comment. Mr. Speaker, this came out in the Committee as a regulation of aquaculture, and suddenly no one was really sure of why it should be regulated because there are 25 permits that aquaculture already requires for these farmers. I think it was clever, but it's a face-saving device to now make it where the Department of Agriculture is going to promote aquaculture, which really means we don't actually need this bill.

"So it's nice, it's warm and fuzzy, but it was an attempt to do an overkill to over-regulate something that's already highly regulated, and quite frankly given the sales of countries in Southeast Asia that are making a lot of money in aquaculture, we are really at the beginning of an industry not really well developed. So we need to leave them alone and not over-regulate them. Thank you, Mr. Speaker."

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

"Thank you, in strong support. Thank you. I appreciate the comments from the previous speaker, how regulated it is, and that's probably one of the biggest problems and why I worked with my community to introduce this bill.

"One of the things we're realizing is, there's huge potential for aquaculture farming in our State and actually it's underutilized. As a matter of fact, many, many years ago, we used to do more aquaculture farming. And so the definition of it really is to look at taro farming, potentially rice fields, crawfish, land-based shrimp. There are lots of opportunities to do aquaculture farming and it's time that we really work hard to make that industry prosper.

"Yes, we originally started in the Committee to regulate it, but basically the Department of Agriculture came in and said, yes, we really see the value that we should be focusing on this and moving forward. But based on people's concerns, as the previous speaker stated, maybe 'regulation' wasn't where we wanted it to be, so we changed it to 'facilitate' to keep it alive and keep it moving through the session. I look forward to continue working on this as we move forward. Thank you."

Rep. Cheape 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. 1471, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representatives Wooley and Lee, for the Committee on Agriculture and the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 857, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committees was adopted and H.B. No. 857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

SUSTAINABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Wooley, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1421, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1421, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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 would like to thank the introducer of this legislation, the Chairman of Consumer Protection & Commerce (CPC), who took the time, on a very busy deadline day, to explain this bill to me. He made me understand the changes, and how it would not only make the bill a good compromise, but also answer the objections from the PUC and the Department of Agriculture among others. With his diligence and explanation, I am changing my no vote in Committee to strong support for this measure."

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. 1421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIC AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Choy, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 115, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 115, HD 2 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, very strong support and I would like to enter written comments into the Journal."

Representative McKelvey's written remarks are as follows:

"I stand in support of HB 115, HD 2 to fund necessary repairs and maintain the UH facilities over the long term. It is essential for the future of the University of Hawaii to focus on the backlog of repair and maintenance projects in order to provide its students a safe and proper learning environment. Some buildings are over a hundred years old and it is our *kuleana* as legislators to ensure the safety of our college students. I recognize that the University of Hawaii campuses are competing with colleges around the world but I have confidence that the Campus Planning Facility Board will have the students and faculty as their highest priority."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 115, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Takai, for the Committee on Veterans, Military, & International Affairs, & Culture and the Arts, presented a report (Stand.

Com. Rep. No. 540) recommending that H.B. No. 1381, 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 Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 551, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 551, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 120, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 120, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

Representative McDermott 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. 120, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 357, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 357, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

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

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

"Mr. Speaker, ruling on conflict of interest. My wife's family owns a business that would be affected," and the Chair ruled, "no conflict."

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

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

Representative Cachola rose and asked that the Clerk record an aye vote with reservations 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 Aquino rose and asked that the Clerk record an aye vote with reservations for him, 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 Ito rose and asked that the Clerk record an aye vote with reservations for him, 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 Cabanilla 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 an aye vote with reservations 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 Fale 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 an aye vote with reservations for her, and the Chair "so ordered."

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

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

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

"Mr. Speaker, I'm 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. 357, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was referred to the Committee on Finance, with Representatives Cabanilla, Fale, Fukumoto, Johanson, Jordan, McDermott, Oshiro and Tsuji voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 174, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 174, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, ruling on a potential conflict. My wife is a consultant with a pharmaceutical company that has GM products. Thank you," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I support it with some reservations. I would ask that the folks who support this measure, if someone could get me some peer reviewed longitudinal study so I could make an intelligent decision on that, I would appreciate it. Thank you."

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

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

"I just want to be consistent. In the Committee I voted no, so I have to vote no on the Floor. Thank you."

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

Representative Ito 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. 174, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FOOD LABELING," was referred to the Committee on Finance, with Representative Cachola voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 545) 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 Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Aquino, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 345, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 345, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Aquino, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 944 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 944, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Aquino, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 946 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 946, entitled: "A BILL FOR AN ACT RELATING TO THE REENTRY COMMISSION," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Aquino, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 1280, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1280, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 673, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 673, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

"On Stand Com. 550, House Bill No. 673, Mr. Speaker, I just want to express my strong reservations. This is a cumbersome measure for the farmers as well as an increased fee for them. I'm concerned about the small farmers, Mr. Speaker."

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

"Mr. Speaker, support with reservations. It's my understanding that this bill no longer creates a new fee, so that's why I'm going with reservations. Thank you."

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

"Mr. Speaker, in strong support. I'd like to thank the Chair for her work on this bill because it does make it a task force, and the fees are gone. 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. 673, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 672, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 672, 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 Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 667, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 667, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Awana.

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

Representative Fale 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. 667, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 62, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 62, HD 1 pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Awana.

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

"Mr. Speaker, ruling on a conflict of interest. My family owns a business that operates a pharmacy," 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. 62, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY BENEFITS MANAGERS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 65, 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 Saiki moved that the report of the Committee be adopted, and that H.B. No. 65, HD 1 pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative Awana.

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

"Mr. Speaker, ruling on a conflict of interest. My family owns a business that operates a pharmacy," 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. 65, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 910, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 910, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 649, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 649, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 991, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 991, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 363, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 363, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 144, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 144, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

Representative Fale 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. 144, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," was referred to the Committee on Finance, with Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 1483, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1483, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

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

Representative Fukumoto 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 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS

CORPORATION," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 21, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 21, HD 1 pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Awana.

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

"Mr. Speaker, ruling on a potential conflict. At my law firm I do work with condominiums. Thank you, Mr. Speaker," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 21, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 1200, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1200, HD 2 be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, a ruling on a potential conflict. My spouse is a consultant with HPU. 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. 1200, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 497, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 497, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative McKelvey, for the Committee on Consumer Protection & Commerce, presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 856, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 856, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GREEN INFRASTRUCTURE," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 330, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 330, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 343, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 343, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING OFFENSES," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 358, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 358, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VIDEOCONFERENCING," was referred to the Committee on Finance, with Representatives Cachola and Har being excused, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 568) recommending that H.B. No. 237, HD 1 be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 237, HD 1 be referred to the Committee on Finance, seconded by Representative Awana.

Representative Fale 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. 237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES INVOLVED IN THE JUSTICE SYSTEM," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 776, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 776, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT TORT LIABILITY," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 632, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 632, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OPEN DATA," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 571) recommending that H.B. No. 873, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 873, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT," was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 448, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 448, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUEFIED NATURAL GAS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 903, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 903, HD 1 pass Second Reading and be referred to the Committee on Health, seconded by Representative Awana.

Representative McDermott 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. 903, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER POLLUTION," passed Second Reading and was referred to the Committee on Health, with Representative McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Lee, for the Committee on Energy & Environmental Protection, presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 451, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 451, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

Representative Fale 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. 451, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSSIL FUELS," passed Second Reading and was referred to the Committee on Finance, with Representatives Fale and McDermott voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 1147, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1147, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, I just wanted to request a ruling on a potential conflict of interest. My wife works for an organization that controls a PAC that makes independent expenditures. 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. 1147, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 1027, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 1027, HD 1 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Awana.

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

"Mr. Speaker, in strong support and I would like to enter written comments into the Journal."

Representative McKelvey's written remarks are as follows:

"I believe that due to the growing popularity of voting by mail, some form of guidance should be enacted for addressing voter assistance that is provided to absentee mail voters. The inclusion of a statement as to require absentee voters to affirm by signature that the ballot was completed in secrecy and without influence from others is one step to further ensure a fair election.

"It is unfortunate that incidents of voter intimidation are not merely hypothetical. Voter intimidation and fraud not only reflects poor character of the party involved, it discredits the integrity of every elected public official and the election process itself. HB 1027 begins to address the historical and very real issues of voter intimidation and voter fraud."

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

"Mr. Speaker, I'm 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. 1027, 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, Coffman, Hanohano, Har, Kawakami and Ward being excused.

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 1481, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1481, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Ward being excused.

At 2:32 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 2:33 o'clock p.m.

SUPPLEMENTAL CALENDAR #1**REPORTS OF STANDING COMMITTEES**

Representative Belatti, for the Committee on Health, presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 897 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 897, entitled: "A BILL FOR AN ACT RELATING TO FOOD ESTABLISHMENTS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Coffman, Hanohano, Har and Kawakami being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 51 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 51, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Coffman, Hanohano, Har and Kawakami being excused.

Representative Carroll, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 1207, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 1207, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Coffman, Hanohano, Har and Kawakami being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 389, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 389, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Coffman, Hanohano, Har and Kawakami being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 425, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFERS IN COMPROMISE," passed Second Reading and was placed on the calendar for Third Reading, with Representatives Carroll, Coffman, Hanohano, Har and Kawakami being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 800, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 800, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM FROM THE ENERGY SECURITY SPECIAL FUND," passed Second Reading and was placed on

the calendar for Third Reading, with Representatives Carroll, Coffman, Hanohano, Har and Kawakami being excused.

SUSPENSION OF RULES

On motion by Representative Awana, seconded by Representative Fukumoto and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Nishimoto were excused.)

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 87 pass Third Reading.

Representative Saiki moved that the report of the Committee be adopted, and that H.B. No. 87, pass Third Reading, seconded by Representative Awana.

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

"Mr. Speaker, I'll be voting with reservations. My concern, again, is that I think at least a verbal warning should be given to the trespasser before they are cited under this particular law change. Thank you."

Representative Fale rose in support of the measure with reservations and asked that the remarks of Representative 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 H.B. No. 87, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Nishimoto being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 872 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 872, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE NURSING FACILITY SUSTAINABILITY PROGRAM SPECIAL FUND," passed Third Reading by a vote of 45 ayes, with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Nishimoto being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 436, HD 1 pass Third Reading.

On motion by Representative Saiki, seconded by Representative Awana and carried, the report of the Committee was adopted and H.B. No. 436, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Say voting no, and with Representatives Carroll, Coffman, Hanohano, Har, Kawakami and Nishimoto being excused.

At 2:38 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 87
H.B. No. 872
H.B. No. 436, HD 1

At this time, the Chair stated:

"This is for the 48-hour notice. All of these measures are going to be on 48-hour notice."

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 435, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 587 on H.B. No. 435, 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. 435, HD 1, were made available to the Members of the House.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 750, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 588 on H.B. No. 750, 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. 750, HD 2, were made available to the Members of the House.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 879, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 589 on H.B. No. 879, 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. 879, HD 2, were made available to the Members of the House.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 880, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 590 on H.B. No. 880, 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. 880, HD 2, were made available to the Members of the House.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 918, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 591 on H.B. No. 918, 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. 918, HD 1, were made available to the Members of the House.

ORDINARY CALENDAR

THIRD READING

H.B. No. 88, HD 1:

Representative Saiki moved that H.B. No. 88, HD 1 pass Third Reading, seconded by Representative Awana.

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

"Mr. Speaker, I rise in opposition to this measure. House Bill 88, House Draft 1, seeks to repeal a long standing rule of statutory construction that the terms 'or' and 'and' have the meaning of the other or of both. At first glance, it seems to make sense. Words should be used in their ordinary meaning and interpretation. However, Mr. Speaker, if you look at the rationale behind the rule and at an example of its application, there are really cogent reasons not to alter this rule of statutory construction.

"This rule is applied 'in order to arrive at a reasonable construction' ... 'in construing ambiguous statutory language [to determine] the true

meaning of ambiguous words... by examining the context in which they are used.' I'm citing *Wee v. Board of Accountancy*, 51 Haw. 80, 84, 452 P.2d 94, 97 (Hawaii 1969) (substituting 'and' for 'or' in construing HRS § 164-1(b); *In re Pratt*, 34 Haw. 935, 1939 WL 8141, *4 (Haw. Terr. 1939) (substituting 'or' for 'and' in construing Section 4850, R. L. 1935).

"The rationale for this rule is to allow the courts to construe 'the sense of a word which harmonizes best with the whole context of the statute and promotes in the fullest manner the apparent policy and objects of the legislature...' Again, citing *In re City and County of Honolulu Corporation Counsel*, 54 Haw. 356, 374, 507, P.2d, 169, 178 (1973).

"I'll give you an example of how this statutory construction rule is used in the prohibition of what would be considered unfair and deceptive trade practices under HRS § 480-2, which prohibits 'unfair...acts or practices' and 'deceptive...acts or practices.' Read literally, Mr. Speaker, as would be required by the proposed amendment, a practice under the Unfair and Deceptive Trade Practices Act that is both unfair and deceptive is not actionable. The act or practice must be either unfair or deceptive. Similarly, the action must be either an act or a practice, not both, to be actionable.

"This is just one example, Mr. Speaker. Unless the Legislature would like to go and command a review of all the Hawaii Revised Statutes, and all the areas where an 'and' or 'or' is located, I think this is premature and rife for all kinds of misinterpretation and misapplication of both criminal and civil law. For those reasons, I am voting no. Thank you."

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

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

"Mr. Speaker, in support. I understand the concerns raised by the two previous speakers, and if you read the bill it says, 'provided that if the context requires, the term 'or' may mean both 'or' and 'and', to address the exact situation the previous speakers indicated.

"The countervailing concern is that if you read the current statute, it says 'and' and 'or' mean the same thing, and they don't. And I think it is embarrassing to the State to have statutes that are clearly, logically incorrect, and that's why I wanted to address this issue. But, the previous speakers are correct that this is not as simple an issue as it would appear to be on its face. *Mahalo*."

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

"Thank you, Mr. Speaker. I rise to cast a no vote as well. Mr. Speaker, I would just like to note, this is a change that may seem small in the length of a word, but it could be a major impact. I think we ought to proceed more carefully. This is something our Legislative Reference Bureau would be very capable of, doing an examination of this and coming back to us with proposed legislation. I think it's wiser to wait. Thank you."

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

"Mr. Speaker, in support. I completely agree with the intent of this bill, because a lot of times when we put specific things like 'and', we make specific note on whether things are 'and' or 'or'. For instance, when we're dealing with some agency or any type of things that have to meet the requirements of four items, there's a big difference between making it an 'and' or making it an 'or'.

"So, if you want somebody to follow all four things, we put 'and'. If you want to make a choice, you put 'or'. The fact that courts can read 'and' as an 'or', or 'or' as an 'and' or vice versa, gives too much discretion to the courts. If there is a problem, and there is some type of confusion, we can always come back, but we need to retain this jurisdiction. We're the policy makers, we're the ones who write the law, we need to have that discretion and we need to retain that authority.

"If we allow the courts to continue to interchange between 'and' and 'or', you're giving too much power to the courts. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 88, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION OF LAWS," passed Third Reading by a vote of 37 ayes to 6 noes, with Representatives Fale, McDermott, Oshiro, Say, Thielen and Ward voting no, and with Representatives Belatti, Carroll, Coffman, Hanohano, Har, Ichiyama, Kawakami and Nishimoto being excused.

At 2:46 o'clock p.m., the Chair noted that the following bill passed Third Reading:

H.B. No. 88, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 27) and concurrent resolution (H.C.R. No. 45) were referred to Printing and further action was deferred:

H.R. No. 27, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES TO DEVELOP A PROCEDURE FOR SETTling AND RESOLVING DISPUTES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND THE IMPROVEMENT OF ROADWAYS," was jointly offered by Representatives Takai and Johanson.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES TO DEVELOP A PROCEDURE FOR SETTling AND RESOLVING DISPUTES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND THE IMPROVEMENT OF ROADWAYS," was jointly offered by Representatives Takai and Johanson.

ANNOUNCEMENTS

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
299	Committee on Finance
1022, HD1	Committee on Human Services, then to the Committee on Judiciary
1443	Committee on Finance

OPEN JOURNAL

At this time, Representative Awana moved to keep the Journal open until 9:00 o'clock p.m. this legislative day for the purpose of receiving Standing Committee Reports and House Bills transmitted thereby, seconded by Representative Fukumoto and carried. (Representatives Belatti, Carroll, Coffman, Hanohano, Har, Ichiyama, Kawakami and Nishimoto were excused.)

At 2:48 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:50 o'clock p.m.

RECESS

At 2:51 o'clock p.m., on motion by Representative Awana, seconded by Representative Fukumoto and carried, the House of Representatives stood in recess until 12:00 o'clock noon, Tuesday, February 19, 2013. (Representatives Carroll, Coffman, Hanohano, Har, Ichiyama, Kawakami and Nishimoto were excused.)

SUPPLEMENTAL CALENDAR #2

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 592 through 605), were received by the Clerk prior to 9:00 o'clock p.m. this legislative day, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies were made available to the Members of the House, and the following action was taken:

Stand. Com. Rep. No. 592 (FIN) and H.B. No. 514, 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 February 19, 2013.

Stand. Com. Rep. No. 593 (FIN) and H.B. No. 518, 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 February 19, 2013.

Stand. Com. Rep. No. 594 (FIN) and H.B. No. 519, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on February 19, 2013.

Stand. Com. Rep. No. 595 (FIN) and H.B. No. 762, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WASHINGTON PLACE," were placed on the calendar for Third Reading on February 19, 2013.

Stand. Com. Rep. No. 596 (FIN) and H.B. No. 922, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL BENEFITS UNDER THE WORKERS' COMPENSATION LAW," were placed on the calendar for Third Reading on February 19, 2013.

Stand. Com. Rep. No. 597 (FIN) and H.B. No. 924, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," were placed on the calendar for Third Reading on February 19, 2013.

Stand. Com. Rep. No. 598 (FIN) and H.B. No. 928, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS UNDER THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," were placed on the calendar for Third Reading on February 19, 2013.

Stand. Com. Rep. No. 599 (FIN) and H.B. No. 353, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 600 (FIN) and H.B. No. 430, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 601 (FIN) and H.B. No. 504, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 602 (FIN) and H.B. No. 506, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 603 (VMI) and H.B. No. 293, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MICROBE," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 604 (VMI) and H.B. No. 1282, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY SERVICE," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

Stand. Com. Rep. No. 605 (VMI) and H.B. No. 1203, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," were placed on the calendar and scheduled for action on February 19, 2013 to pass Second Reading and to be subsequently placed on the calendar for Third Reading.

ADJOURNMENT

At 9:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon, Tuesday, February 19, 2013.